

1 AN ACT

2 relating to the registration and supervision of sex offenders and
3 to state assistance provided to sex offenders; providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. SEX OFFENDER REGISTRATION REQUIREMENTS

6 SECTION 1.01. Chapter 62, Code of Criminal Procedure, is
7 reenacted and amended to read as follows:

8 CHAPTER 62. SEX OFFENDER REGISTRATION PROGRAM

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Art. 62.001 [~~62.01~~]. DEFINITIONS. In this chapter:

11 (1) "Department" means the Department of Public
12 Safety.

13 (2) "Local law enforcement authority" means the chief
14 of police of a municipality or the sheriff of a county in this
15 state.

16 (3) "Penal institution" means a confinement facility
17 operated by or under a contract with any division of the Texas
18 Department of Criminal Justice, a confinement facility operated by
19 or under contract with the Texas Youth Commission, or a juvenile
20 secure pre-adjudication or post-adjudication facility operated by
21 or under a local juvenile probation department, or a county jail.

22 (4) "Released" means discharged, paroled, placed in a
23 nonsecure community program for juvenile offenders, or placed on
24 juvenile probation, community supervision, or mandatory

1 supervision.

2 (5) "Reportable conviction or adjudication" means a
3 conviction or adjudication, including an adjudication of
4 delinquent conduct or a deferred adjudication, [~~regardless of the~~
5 ~~pendency of an appeal,~~] that, regardless of the pendency of an
6 appeal, is a conviction for or an adjudication for or based on:

7 (A) [~~a conviction for~~] a violation of Section
8 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021
9 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
10 Penal Code;

11 (B) [~~a conviction for~~] a violation of Section
12 43.05 (Compelling prostitution), 43.25 (Sexual performance by a
13 child), or 43.26 (Possession or promotion of child pornography),
14 Penal Code;

15 (C) [~~a conviction for~~] a violation of Section
16 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor
17 [~~defendant~~] committed the offense or engaged in the conduct with
18 intent to violate or abuse the victim sexually;

19 (D) [~~a conviction for~~] a violation of Section
20 30.02 (Burglary), Penal Code, if the offense or conduct is
21 punishable under Subsection (d) of that section and the actor
22 [~~defendant~~] committed the offense or engaged in the conduct with
23 intent to commit a felony listed in Paragraph (A) or (C);

24 (E) [~~a conviction for~~] a violation of Section
25 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04
26 (Aggravated kidnapping), Penal Code, if, as applicable:

27 (i) the judgment in the case contains an

1 affirmative finding under Article 42.015; or

2 (ii) the order in the hearing or the papers
3 in the case contain an affirmative finding that the victim or
4 intended victim was younger than 17 years of age;

5 (F) the second [~~conviction for a~~] violation of
6 Section 21.08 (Indecent exposure), Penal Code, but not if the
7 second violation results in a deferred adjudication;

8 (G) [~~a conviction for~~] an attempt, conspiracy, or
9 solicitation, as defined by Chapter 15, Penal Code, to commit an
10 offense or engage in conduct listed in Paragraph (A), (B), (C),
11 (D), or (E);

12 (H) [~~an adjudication of delinquent conduct:~~
13 [~~(i) based on a violation of one of the~~
14 ~~offenses listed in Paragraph (A), (B), (C), (D), or (E) or, if the~~
15 ~~order in the hearing contains an affirmative finding that the~~
16 ~~victim or intended victim was younger than 17 years of age, one of~~
17 ~~the offenses listed in Paragraph (E); or~~

18 [~~(ii) for which two violations of the~~
19 ~~offense listed in Paragraph (F) are shown;~~

20 [~~(I) a deferred adjudication for an offense~~
21 ~~listed in:~~

22 [~~(i) Paragraph (A), (B), (C), (D), or (E);~~

23 ~~or~~

24 [~~(ii) Paragraph (E) if the papers in the~~
25 ~~case contain an affirmative finding that the victim or intended~~
26 ~~victim was younger than 17 years of age;~~

27 [~~(J)] a violation of [~~conviction under~~] the laws~~

1 of another state, federal law, the laws of a foreign country, or the
2 Uniform Code of Military Justice for or based on the violation of an
3 offense containing elements that are substantially similar to the
4 elements of an offense listed under Paragraph (A), (B), (C), (D),
5 (E), or (G), but not if the violation results in a deferred
6 adjudication; or

7 (I) [~~(K)~~ an adjudication of delinquent conduct
8 under the laws of another state, federal law, or the laws of a
9 foreign country based on a violation of an offense containing
10 elements that are substantially similar to the elements of an
11 offense listed under Paragraph (A), (B), (C), (D), (E), or (G);

12 [~~(L)~~] the second violation of [~~conviction under~~]
13 the laws of another state, federal law, the laws of a foreign
14 country, or the Uniform Code of Military Justice for or based on the
15 violation of an offense containing elements that are substantially
16 similar to the elements of the offense of indecent exposure, but not
17 if the second violation results in a deferred adjudication [~~, or~~

18 [~~(M) the second adjudication of delinquent~~
19 ~~conduct under the laws of another state, federal law, or the laws of~~
20 ~~a foreign country based on a violation of an offense containing~~
21 ~~elements that are substantially similar to the elements of the~~
22 ~~offense of indecent exposure].~~

23 (6) "Sexually violent offense" means any of the
24 following offenses committed by a person 17 years of age or older:

25 (A) an offense under Section 21.11(a)(1)
26 (Indecency with a child), 22.011 (Sexual assault), or 22.021
27 (Aggravated sexual assault), Penal Code;

1 (B) an offense under Section 43.25 (Sexual
2 performance by a child), Penal Code;

3 (C) an offense under Section 20.04(a)(4)
4 (Aggravated kidnapping), Penal Code, if the defendant committed the
5 offense with intent to violate or abuse the victim sexually;

6 (D) an offense under Section 30.02 (Burglary),
7 Penal Code, if the offense is punishable under Subsection (d) of
8 that section and the defendant committed the offense with intent to
9 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
10 or

11 (E) an offense under the laws of another state,
12 federal law, the laws of a foreign country, or the Uniform Code of
13 Military Justice if the offense contains elements that are
14 substantially similar to the elements of an offense listed under
15 Paragraph (A), (B), (C), or (D).

16 (7) "Residence" includes a residence established in
17 this state by a person described by Article 62.152(e) [~~62.063(e)~~].

18 (8) "Public or private institution of higher
19 education" includes a college, university, community college, or
20 technical or trade institute.

21 (9) "Authority for campus security" means the
22 authority with primary law enforcement jurisdiction over property
23 under the control of a public or private institution of higher
24 education, other than a local law enforcement authority.

25 (10) "Extrajurisdictional registrant" means a person
26 who:

27 (A) is required to register as a sex offender

1 under:

2 (i) the laws of another state with which the
3 department has entered into a reciprocal registration agreement;

4 (ii) federal law or the Uniform Code of
5 Military Justice; or

6 (iii) the laws of a foreign country; and

7 (B) is not otherwise required to register under
8 this chapter because:

9 (i) the person does not have a reportable
10 conviction for an offense under the laws of the other state, federal
11 law, the laws of the foreign country, or the Uniform Code of
12 Military Justice containing elements that are substantially
13 similar to the elements of an offense requiring registration under
14 this chapter; or

15 (ii) the person does not have a reportable
16 adjudication of delinquent conduct based on a violation of an
17 offense under the laws of the other state, federal law, or the laws
18 of the foreign country containing elements that are substantially
19 similar to the elements of an offense requiring registration under
20 this chapter.

21 Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter
22 applies only to a reportable conviction or adjudication occurring
23 on or after September 1, 1970.

24 (b) Except as provided by Subsection (c), the duties imposed
25 on a person required to register under this chapter on the basis of
26 a reportable conviction or adjudication, and the corresponding
27 duties and powers of other entities in relation to the person

1 required to register on the basis of that conviction or
2 adjudication, are not affected by:

3 (1) an appeal of the conviction or adjudication; or

4 (2) a pardon of the conviction or adjudication.

5 (c) If a conviction or adjudication that is the basis of a
6 duty to register under this chapter is set aside on appeal by a
7 court or if the person required to register under this chapter on
8 the basis of a conviction or adjudication receives a pardon on the
9 basis of subsequent proof of innocence, the duties imposed on the
10 person by this chapter and the corresponding duties and powers of
11 other entities in relation to the person are terminated.

12 Art. 62.003 [~~62.0101~~]. DETERMINATION REGARDING
13 SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of
14 this chapter, the [The] department is responsible for determining
15 [~~for the purposes of this chapter~~] whether an offense under the laws
16 of another state, federal law, the laws of a foreign country, or the
17 Uniform Code of Military Justice contains elements that are
18 substantially similar to the elements of an offense under the laws
19 of this state.

20 (b) The department annually shall provide or make available
21 to each prosecuting attorney's office in this state:

22 (1) the criteria used in making a determination under
23 Subsection (a); and

24 (2) any existing record or compilation of offenses
25 under the laws of another state, federal law, the laws of a foreign
26 country, and the Uniform Code of Military Justice that the
27 department has already determined to contain elements that are

1 substantially similar to the elements of offenses under the laws of
2 this state.

3 (c) An appeal of a determination made under this article
4 shall be brought in a district court in Travis County.

5 Art. 62.004 [~~62.0102~~]. DETERMINATION REGARDING PRIMARY
6 REGISTRATION AUTHORITY. (a) For each person subject to
7 registration under this chapter, the department shall determine
8 which local law enforcement authority serves as the person's
9 primary registration authority based on the municipality or county
10 in which the person resides or, as provided by Article 62.152
11 [~~62.061, as added by Chapters 1193 and 1415, Acts of the 76th~~
12 ~~Legislature, Regular Session, 1999~~], the municipality or county in
13 which the person works or attends school.

14 (b) The department shall notify each person subject to
15 registration under this chapter of the person's primary
16 registration authority in a timely manner.

17 Art. 62.005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)
18 The department shall maintain a computerized central database
19 containing the information required for registration under this
20 chapter. The department may include in the computerized central
21 database the numeric risk level assigned to a person under this
22 chapter.

23 (b) The information contained in the database, including
24 the numeric risk level assigned to a person under this chapter, is
25 public information, with the exception of any information:

26 (1) regarding the person's social security number,
27 driver's license number, or telephone number;

1 (2) that is required by the department under Article
2 62.051(c)(7); or

3 (3) that would identify the victim of the offense for
4 which the person is subject to registration.

5 (c) Notwithstanding Chapter 730, Transportation Code, the
6 department shall maintain in the database, and shall post on any
7 department website related to the database, any photograph of the
8 person that is available through the process for obtaining or
9 renewing a personal identification certificate or driver's license
10 under Section 521.103 or 521.272, Transportation Code. The
11 department shall update the photograph in the database and on the
12 website annually or as the photograph otherwise becomes available
13 through the renewal process for the certificate or license.

14 (d) A local law enforcement authority shall release public
15 information described under Subsection (b) to any person who
16 requests the information from the authority. The authority may
17 charge the person a fee not to exceed the amount reasonably
18 necessary to cover the administrative costs associated with the
19 authority's release of information to the person under this
20 subsection.

21 (e) The department shall provide a licensing authority with
22 notice of any person required to register under this chapter who
23 holds or seeks a license that is issued by the authority. The
24 department shall provide the notice required by this subsection as
25 the applicable licensing information becomes available through the
26 person's registration or verification of registration.

27 (f) On the written request of a licensing authority that

1 identifies an individual and states that the individual is an
2 applicant for or a holder of a license issued by the authority, the
3 department shall release any information described by Subsection
4 (a) to the licensing authority.

5 (g) For the purposes of Subsections (e) and (f):

6 (1) "License" means a license, certificate,
7 registration, permit, or other authorization that:

8 (A) is issued by a licensing authority; and

9 (B) a person must obtain to practice or engage in
10 a particular business, occupation, or profession.

11 (2) "Licensing authority" means a department,
12 commission, board, office, or other agency of the state or a
13 political subdivision of the state that issues a license.

14 (h) Not later than the third day after the date on which the
15 applicable information becomes available through the person's
16 registration or verification of registration or under Article
17 62.058, the department shall send notice of any person required to
18 register under this chapter who is or will be employed, carrying on
19 a vocation, or a student at a public or private institution of
20 higher education in this state to:

21 (1) for an institution in this state:

22 (A) the authority for campus security for that
23 institution; or

24 (B) if an authority for campus security for that
25 institution does not exist, the local law enforcement authority of:

26 (i) the municipality in which the
27 institution is located; or

1 (ii) the county in which the institution is
2 located, if the institution is not located in a municipality; or

3 (2) for an institution in another state, any existing
4 authority for campus security at that institution.

5 (i) On the written request of an institution of higher
6 education described by Subsection (h) that identifies an individual
7 and states that the individual has applied to work or study at the
8 institution, the department shall release any information
9 described by Subsection (a) to the institution.

10 Art. 62.006. INFORMATION PROVIDED TO PEACE OFFICER ON
11 REQUEST. The department shall establish a procedure by which a
12 peace officer or employee of a law enforcement agency who provides
13 the department with a driver's license number, personal
14 identification certificate number, or license plate number is
15 automatically provided information as to whether the person to whom
16 the driver's license or personal identification certificate is
17 issued is required to register under this chapter or whether the
18 license plate number is entered in the computerized central
19 database under Article 62.005 as assigned to a vehicle owned or
20 driven by a person required to register under this chapter.

21 Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER
22 SCREENING TOOL. (a) The Texas Department of Criminal Justice shall
23 establish a risk assessment review committee composed of at least
24 seven members, each of whom serves on the review committee in
25 addition to the member's other employment-related duties. The
26 review committee, to the extent feasible, must include at least:

27 (1) one member having experience in law enforcement;

1 (2) one member having experience working with juvenile
2 sex offenders;

3 (3) one member having experience as a sex offender
4 treatment provider;

5 (4) one member having experience working with victims
6 of sex offenses;

7 (5) the executive director of the Council on Sex
8 Offender Treatment; and

9 (6) one sex offender treatment provider registered
10 under Chapter 110, Occupations Code, and selected by the executive
11 director of the Council on Sex Offender Treatment to serve on the
12 review committee.

13 (b) The risk assessment review committee functions in an
14 oversight capacity. The committee shall:

15 (1) develop or select, from among existing tools or
16 from any tool recommended by the Council on Sex Offender Treatment,
17 a sex offender screening tool to be used in determining the level of
18 risk of a person subject to registration under this chapter;

19 (2) ensure that staff is trained on the use of the
20 screening tool;

21 (3) monitor the use of the screening tool in the state;
22 and

23 (4) analyze other screening tools as they become
24 available and revise or replace the existing screening tool if
25 warranted.

26 (c) The sex offender screening tool must use an objective
27 point system under which a person is assigned a designated number of

1 points for each of various factors. In developing or selecting the
2 sex offender screening tool, the risk assessment review committee
3 shall use or shall select a screening tool that may be adapted to
4 use the following general guidelines:

5 (1) level one (low): a designated range of points on
6 the sex offender screening tool indicating that the person poses a
7 low danger to the community and will not likely engage in criminal
8 sexual conduct;

9 (2) level two (moderate): a designated range of
10 points on the sex offender screening tool indicating that the
11 person poses a moderate danger to the community and might continue
12 to engage in criminal sexual conduct; and

13 (3) level three (high): a designated range of points
14 on the sex offender screening tool indicating that the person poses
15 a serious danger to the community and will continue to engage in
16 criminal sexual conduct.

17 (d) The risk assessment review committee, the Texas
18 Department of Criminal Justice, the Texas Youth Commission, or a
19 court may override a risk level only if the entity:

20 (1) believes that the risk level assessed is not an
21 accurate prediction of the risk the offender poses to the
22 community; and

23 (2) documents the reason for the override in the
24 offender's case file.

25 (e) Notwithstanding Chapter 58, Family Code, records and
26 files, including records that have been sealed under Section 58.003
27 of that code, relating to a person for whom a court, the Texas

1 Department of Criminal Justice, or the Texas Youth Commission is
2 required under this article to determine a level of risk shall be
3 released to the court, department, or commission, as appropriate,
4 for the purpose of determining the person's risk level.

5 (f) Chapter 551, Government Code, does not apply to a
6 meeting of the risk assessment review committee.

7 (g) The numeric risk level assigned to a person using the
8 sex offender screening tool described by this article is not
9 confidential and is subject to disclosure under Chapter 552,
10 Government Code.

11 Art. 62.008. GENERAL IMMUNITY. The following persons are
12 immune from liability for good faith conduct under this chapter:

13 (1) an employee or officer of the Texas Department of
14 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
15 Probation Commission, the Department of Public Safety, the Board of
16 Pardons and Paroles, or a local law enforcement authority;

17 (2) an employee or officer of a community supervision
18 and corrections department or a juvenile probation department;

19 (3) a member of the judiciary; and

20 (4) a member of the risk assessment review committee
21 established under Article 62.007.

22 Art. 62.009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

23 (a) The department, a penal institution, a local law enforcement
24 authority, or an authority for campus security may release to the
25 public information regarding a person required to register under
26 this chapter only if the information is public information under
27 this chapter.

1 (b) An individual, agency, entity, or authority is not
2 liable under Chapter 101, Civil Practice and Remedies Code, or any
3 other law for damages arising from conduct authorized by Subsection
4 (a).

5 (c) For purposes of determining liability, the release or
6 withholding of information by an appointed or elected officer of an
7 agency, entity, or authority is a discretionary act.

8 (d) A private primary or secondary school, public or private
9 institution of higher education, or administrator of a private
10 primary or secondary school or public or private institution of
11 higher education may release to the public information regarding a
12 person required to register under this chapter only if the
13 information is public information under this chapter and is
14 released to the administrator under Article 62.005, 62.053, 62.054,
15 62.055, or 62.153. A private primary or secondary school, public or
16 private institution of higher education, or administrator of a
17 private primary or secondary school or public or private
18 institution of higher education is not liable under any law for
19 damages arising from conduct authorized by this subsection.

20 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of
21 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
22 Probation Commission, and the department may adopt any rule
23 necessary to implement this chapter.

24 SUBCHAPTER B. REGISTRATION AND VERIFICATION

25 REQUIREMENTS; RELATED NOTICE

26 ~~[Art. 62.0105. EXEMPTION FROM REGISTRATION FOR CERTAIN SEX~~
27 ~~OFFENDERS. (a) If eligible under Subsection (b) or (c), a person~~

1 ~~required to register under this chapter may petition the court~~
2 ~~having jurisdiction over the case for an order exempting the person~~
3 ~~from registration under this chapter at any time after the person's~~
4 ~~sentencing or after the person is placed on deferred adjudication~~
5 ~~community supervision.~~

6 ~~[(b) A person is eligible to petition the court as described~~
7 ~~by Subsection (a) if:~~

8 ~~[(1) the person is required to register only as a~~
9 ~~result of a single reportable conviction or adjudication, other~~
10 ~~than an adjudication of delinquent conduct; and~~

11 ~~[(2) the court has entered in the appropriate judgment~~
12 ~~or has filed with the appropriate papers a statement of an~~
13 ~~affirmative finding described by Article 42.017 or Section 5(g),~~
14 ~~Article 42.12.~~

15 ~~[(c) A defendant who before September 1, 2001, is convicted~~
16 ~~of or placed on deferred adjudication community supervision for an~~
17 ~~offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,~~
18 ~~is eligible to petition the court as described by Subsection (a).~~
19 ~~The court may consider the petition only if the petition states and~~
20 ~~the court finds that the defendant would have been entitled to the~~
21 ~~entry of an affirmative finding under Article 42.017 or Section~~
22 ~~5(g), Article 42.12, as appropriate, had the conviction or~~
23 ~~placement on deferred adjudication community supervision occurred~~
24 ~~after September 1, 2001.~~

25 ~~[(d) After a hearing on the petition described by Subsection~~
26 ~~(a), the court may issue an order exempting the person from~~
27 ~~registration under this chapter if it appears by a preponderance of~~

1 ~~the evidence:~~

2 ~~[(1) as presented by a registered sex offender~~
3 ~~treatment provider, that the exemption does not threaten public~~
4 ~~safety; and~~

5 ~~[(2) that the person's conduct did not occur without~~
6 ~~the consent of the victim or intended victim as described by Section~~
7 ~~22.011(b), Penal Code.~~

8 ~~[(c) An order exempting the person from registration under~~
9 ~~this chapter does not expire, but the court shall withdraw the order~~
10 ~~if after the order is issued the person receives a reportable~~
11 ~~conviction or adjudication under this chapter.~~

12 ~~[Art. 62.011. WORKERS OR STUDENTS. (a) A person is~~
13 ~~employed or carries on a vocation for purposes of this chapter if~~
14 ~~the person works or volunteers on a full-time or part-time basis for~~
15 ~~a consecutive period exceeding 14 days or for an aggregate period~~
16 ~~exceeding 30 days in a calendar year. A person works for purposes~~
17 ~~of this subsection regardless of whether the person works for~~
18 ~~compensation or for governmental or educational benefit.~~

19 ~~[(b) A person is a student for purposes of this chapter if~~
20 ~~the person enrolls on a full-time or part-time basis in any~~
21 ~~educational facility, including:~~

22 ~~[(1) a public or private primary or secondary school,~~
23 ~~including a high school or alternative learning center; or~~

24 ~~[(2) a public or private institution of higher~~
25 ~~education.]~~

26 Art. 62.051 [~~62.02~~]. REGISTRATION: GENERAL. (a) A person
27 who has a reportable conviction or adjudication or who is required

1 to register as a condition of parole, release to mandatory
2 supervision, or community supervision shall register or, if the
3 person is a person for whom registration is completed under this
4 chapter, verify registration as provided by Subsection (f) [~~(d)~~],
5 with the local law enforcement authority in any municipality where
6 the person resides or intends to reside for more than seven days.
7 If the person does not reside or intend to reside in a municipality,
8 the person shall register or verify registration in any county
9 where the person resides or intends to reside for more than seven
10 days. The person shall satisfy the requirements of this subsection
11 not later than the later of:

12 (1) the seventh day after the person's arrival in the
13 municipality or county; or

14 (2) the first date the local law enforcement authority
15 of the municipality or county by policy allows the person to
16 register or verify registration, as applicable.

17 (b) The department shall provide the Texas Department of
18 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
19 Probation Commission, and each local law enforcement authority,
20 authority for campus security, county jail, and court with a form
21 for registering persons required by this chapter to register.

22 (c) The registration form shall require:

23 (1) the person's full name, each alias, date of birth,
24 sex, race, height, weight, eye color, hair color, social security
25 number, driver's license number, shoe size, and home address;

26 (2) a recent color photograph or, if possible, an
27 electronic digital image of the person and a complete set of the

1 person's fingerprints;

2 (3) the type of offense the person was convicted of,
3 the age of the victim, the date of conviction, and the punishment
4 received;

5 (4) an indication as to whether the person is
6 discharged, paroled, or released on juvenile probation, community
7 supervision, or mandatory supervision;

8 (5) an indication of each license, as defined by
9 Article 62.005(g) [~~62.08(g)~~], that is held or sought by the person;

10 (6) an indication as to whether the person is or will
11 be employed, carrying on a vocation, or a student at a particular
12 public or private institution of higher education in this state or
13 another state, and the name and address of that institution; and

14 (7) any other information required by the department.

15 (d) The registration form must contain a statement and
16 description of any registration duties the person has or may have
17 under this chapter.

18 (e) [~~(e)~~] Not later than the third day after a person's
19 registering, the local law enforcement authority with whom the
20 person registered shall send a copy of the registration form to the
21 department and, if the person resides on the campus of a public or
22 private institution of higher education, to any authority for
23 campus security for that institution.

24 (f) [~~(f)~~] A person for whom registration is completed under
25 this chapter shall report to the applicable local law enforcement
26 authority to verify the information in the registration form
27 received by the authority under this chapter. The authority shall

1 require the person to produce proof of the person's identity and
2 residence before the authority gives the registration form to the
3 person for verification. If the information in the registration
4 form is complete and accurate, the person shall verify registration
5 by signing the form. If the information is not complete or not
6 accurate, the person shall make any necessary additions or
7 corrections before signing the form.

8 (g) [~~(e)~~] A person who is required to register or verify
9 registration under this chapter shall ensure that the person's
10 registration form is complete and accurate with respect to each
11 item of information required by the form in accordance with
12 Subsection (c) [~~(b)~~].

13 (h) [~~(f)~~] If a person subject to registration under this
14 chapter does not move to an intended residence by the end of the
15 seventh day after the date on which the person is released or the
16 date on which the person leaves a previous residence, the person
17 shall:

18 (1) report to the juvenile probation officer,
19 community supervision and corrections department officer, or
20 parole officer supervising the person by not later than the seventh
21 day after the date on which the person is released or the date on
22 which the person leaves a previous residence, as applicable, and
23 provide the officer with the address of the person's temporary
24 residence; and

25 (2) continue to report to the person's supervising
26 officer not less than weekly during any period of time in which the
27 person has not moved to an intended residence and provide the

1 officer with the address of the person's temporary residence.

2 (i) [~~(g)~~] If the other state has a registration requirement
3 for sex offenders, a person who has a reportable conviction or
4 adjudication, who resides in this state, and who is employed,
5 carries on a vocation, or is a student in another state shall, not
6 later than the 10th day after the date on which the person begins to
7 work or attend school in the other state, register with the law
8 enforcement authority that is identified by the department as the
9 authority designated by that state to receive registration
10 information. If the person is employed, carries on a vocation, or
11 is a student at a public or private institution of higher education
12 in the other state and if an authority for campus security exists at
13 the institution, the person shall also register with that authority
14 not later than the 10th day after the date on which the person
15 begins to work or attend school.

16 Art. 62.052 [~~62.021~~]. REGISTRATION: EXTRAJURISDICTIONAL
17 [~~OUT OF STATE~~] REGISTRANTS. (a) An extrajurisdictional
18 registrant [~~This article applies to a person who:~~

19 [~~(1) is required to register as a sex offender under:~~
20 [~~(A) the laws of another state with which the~~
21 ~~department has entered into a reciprocal registration agreement,~~

22 [~~(B) federal law or the Uniform Code of Military~~
23 ~~Justice, or~~

24 [~~(C) the laws of a foreign country, and~~

25 [~~(2) is not otherwise required to register under this~~
26 ~~chapter because:~~

27 [~~(A) the person does not have a reportable~~

1 ~~conviction for an offense under the laws of the other state, federal~~
2 ~~law, the laws of the foreign country, or the Uniform Code of~~
3 ~~Military Justice containing elements that are substantially~~
4 ~~similar to an offense requiring registration under this chapter, or~~
5 ~~[(B) the person does not have a reportable~~
6 ~~adjudication of delinquent conduct based on a violation of an~~
7 ~~offense under the laws of the other state, federal law, or the laws~~
8 ~~of the foreign country containing elements that are substantially~~
9 ~~similar to an offense requiring registration under this chapter.~~

10 ~~[(b) A person described by Subsection (a)]~~ is required to
11 comply with the annual verification requirements of Article 62.058
12 ~~[62.06]~~ in the same manner as a person who is required to verify
13 registration on the basis of a reportable conviction or
14 adjudication.

15 (b) ~~[(c)]~~ The duty to register for an extrajurisdictional
16 registrant ~~[a person described by Subsection (a)]~~ expires on the
17 date the person's duty to register would expire under the laws of
18 the other state or foreign country had the person remained in that
19 state or foreign country, under federal law, or under the Uniform
20 Code of Military Justice, as applicable.

21 (c) ~~[(d)]~~ The department may negotiate and enter into a
22 reciprocal registration agreement with any other state to prevent
23 residents of this state and residents of the other state from
24 frustrating the public purpose of the registration of sex offenders
25 by moving from one state to the other.

26 Art. 62.053 ~~[62.03]~~. PRERELEASE NOTIFICATION. (a) Before
27 a person who will be subject to registration under this chapter is

1 due to be released from a penal institution, the Texas Department of
2 Criminal Justice or the Texas Youth Commission shall determine the
3 person's level of risk to the community using the sex offender
4 screening tool developed or selected under Article 62.007 [~~62.035~~]
5 and assign to the person a numeric risk level of one, two, or three.
6 Before releasing the person, an official of the penal institution
7 shall:

8 (1) inform the person that:

9 (A) not later than the later of the seventh day
10 after the date on which the person is released or after the date on
11 which the person moves from a previous residence to a new residence
12 in this state or not later than the later of the first date the
13 applicable local law enforcement authority by policy allows the
14 person to register or verify registration, the person must [+

15 [~~i~~] register or verify registration with
16 the local law enforcement authority in the municipality or county
17 in which the person intends to reside;

18 (B) not later than the seventh day after the date
19 on which the person is released or the date on which the person
20 moves from a previous residence to a new residence in this state,
21 the person must, [~~or~~

22 [~~ii~~] if the person has not moved to an
23 intended residence, report to the juvenile probation officer,
24 community supervision and corrections department officer, or
25 parole officer supervising the person;

26 (C) [~~B~~] not later than the seventh day before
27 the date on which the person moves to a new residence in this state

1 or another state, the person must report in person to the local law
2 enforcement authority designated as the person's primary
3 registration authority by the department and to the juvenile
4 probation officer, community supervision and corrections
5 department officer, or parole officer supervising the person;

6 (D) [~~(C)~~] not later than the 10th day after the
7 date on which the person arrives in another state in which the
8 person intends to reside, the person must register with the law
9 enforcement agency that is identified by the department as the
10 agency designated by that state to receive registration
11 information, if the other state has a registration requirement for
12 sex offenders;

13 (E) [~~(D)~~] not later than the 30th day after the
14 date on which the person is released, the person must apply to the
15 department in person for the issuance of an original or renewal
16 driver's license or personal identification certificate and a
17 failure to apply to the department as required by this paragraph
18 results in the automatic revocation of any driver's license or
19 personal identification certificate issued by the department to the
20 person; and

21 (F) [~~(E)~~] the person must notify appropriate
22 entities of any change in status as described by Article 62.057
23 [~~62.05~~];

24 (2) require the person to sign a written statement
25 that the person was informed of the person's duties as described by
26 Subdivision (1) or Subsection (g) [~~(h)~~] or, if the person refuses to
27 sign the statement, certify that the person was so informed;

1 (3) obtain the address where the person expects to
2 reside on the person's release and other registration information,
3 including a photograph and complete set of fingerprints; and

4 (4) complete the registration form for the person.

5 (b) On the seventh day before the date on which a person who
6 will be subject to registration under this chapter is due to be
7 released from a penal institution, or on receipt of notice by a
8 penal institution that a person who will be subject to registration
9 under this chapter is due to be released in less than seven days, an
10 official of the penal institution shall send the person's completed
11 registration form and numeric risk level to the department and to:

12 (1) the applicable local law enforcement authority in
13 the municipality or county in which the person expects to reside, if
14 the person expects to reside in this state; or

15 (2) the law enforcement agency that is identified by
16 the department as the agency designated by another state to receive
17 registration information, if the person expects to reside in that
18 other state and that other state has a registration requirement for
19 sex offenders.

20 (c) If a person who is subject to registration under this
21 chapter receives an order deferring adjudication, placing the
22 person on community supervision or juvenile probation [~~or community~~
23 ~~supervision~~], or imposing only a fine, the court pronouncing the
24 order or sentence shall make a determination of the person's
25 numeric risk level using the sex offender screening tool developed
26 or selected under Article 62.007 [~~62.035~~], assign to the person a
27 numeric risk level of one, two, or three, and ensure that the

1 prerelease notification and registration requirements specified in
2 this article are conducted on the day of entering the order or
3 sentencing. If a community supervision and corrections department
4 representative is available in court at the time a court pronounces
5 a sentence of deferred adjudication or community supervision, the
6 representative shall immediately obtain the person's numeric risk
7 level from the court and conduct the prerelease notification and
8 registration requirements specified in this article. In any other
9 case in which the court pronounces a sentence under this
10 subsection, the court shall designate another appropriate
11 individual to obtain the person's numeric risk level from the court
12 and conduct the prerelease notification and registration
13 requirements specified in this article.

14 (d) If a person who has a reportable conviction described by
15 Article 62.001(5)(H) [~~62.01(5)(J)~~] or (I) [~~(L)~~] is placed under the
16 supervision of the pardons and paroles division of the Texas
17 Department of Criminal Justice or a community supervision and
18 corrections department under Article 42.11, the division or
19 community supervision and corrections department shall conduct the
20 prerelease notification and registration requirements specified in
21 this article on the date the person is placed under the supervision
22 of the division or community supervision and corrections
23 department. If a person who has a reportable adjudication of
24 delinquent conduct described by Article 62.001(5)(H) [~~62.01(5)(K)~~]
25 or (I) [~~(M)~~] is, as permitted by Section 60.002, Family Code, placed
26 under the supervision of the Texas Youth Commission, a public or
27 private vendor operating under contract with the Texas Youth

1 Commission, a local juvenile probation department, or a juvenile
2 secure pre-adjudication or post-adjudication facility, the
3 commission, vendor, probation department, or facility shall
4 conduct the prerelease notification and registration requirements
5 specified in this article on the date the person is placed under the
6 supervision of the commission, vendor, probation department, or
7 facility.

8 (e) Not later than the eighth day after receiving a
9 registration form under Subsection (b), (c), or (d), the local law
10 enforcement authority shall verify the age of the victim, the basis
11 on which the person is subject to registration under this chapter,
12 and the person's numeric risk level. ~~[The authority shall~~
13 ~~immediately publish notice in English and Spanish in the newspaper~~
14 ~~of greatest paid circulation in the county in which the person~~
15 ~~subject to registration intends to reside or, if there is no~~
16 ~~newspaper of paid circulation in that county, in the newspaper of~~
17 ~~greatest general circulation in the county, except as provided by~~
18 ~~Article 62.031. If the authority publishes notice under this~~
19 ~~subsection, the authority shall publish a duplicate notice in the~~
20 ~~newspaper, with any necessary corrections, during the week~~
21 ~~immediately following the week of initial publication.]~~ The local
22 law enforcement authority shall ~~[also]~~ immediately provide notice
23 to the superintendent of the public school district and to the
24 administrator of any private primary or secondary school located in
25 the public school district in which the person subject to
26 registration intends to reside by mail to the office of the
27 superintendent or administrator, as appropriate, in accordance

1 with Article 62.054 [~~62.032~~]. On receipt of a notice under this
2 subsection, the superintendent shall release the information
3 contained in the notice to appropriate school district personnel,
4 including peace officers and security personnel, principals,
5 nurses, and counselors.

6 (f) [~~The local law enforcement authority shall include in~~
7 ~~the notice by publication in a newspaper the following information~~
8 ~~only:~~

9 [(1) ~~the person's full name, age, and gender;~~

10 [(2) ~~a brief description of the offense for which the~~
11 ~~person is subject to registration;~~

12 [(3) ~~the municipality, numeric street address or~~
13 ~~physical address, if a numeric street address is not available, and~~
14 ~~zip code number where the person intends to reside;~~

15 [(4) ~~either a recent photograph of the person or the~~
16 ~~Internet address of a website on which the person's photograph is~~
17 ~~accessible free of charge; and~~

18 [(5) ~~the person's numeric risk level assigned under~~
19 ~~this chapter and the guidelines used to determine a person's risk~~
20 ~~level generally.~~

21 [~~(g)~~] The local law enforcement authority shall include in
22 the notice to the superintendent of the public school district and
23 to the administrator of any private primary or secondary school
24 located in the public school district any information the authority
25 determines is necessary to protect the public, except:

26 (1) the person's social security number, driver's
27 license number, or telephone number; and

1 (2) any information that would identify the victim of
2 the offense for which the person is subject to registration.

3 (g) [~~(h)~~] Before a person who will be subject to
4 registration under this chapter is due to be released from a penal
5 institution in this state, an official of the penal institution
6 shall inform the person that:

7 (1) if the person intends to reside in another state
8 and to work or attend school in this state, the person must, not
9 later than the later of the seventh day after the date on which the
10 person begins to work or attend school or the first date the
11 applicable local law enforcement authority by policy allows the
12 person to register or verify registration, register or verify
13 registration with the local law enforcement authority in the
14 municipality or county in which the person intends to work or attend
15 school;

16 (2) if the person intends to reside in this state and
17 to work or attend school in another state and if the other state has
18 a registration requirement for sex offenders, the person must:

19 (A) not later than the 10th day after the date on
20 which the person begins to work or attend school in the other state,
21 register with the law enforcement authority that is identified by
22 the department as the authority designated by that state to receive
23 registration information; and

24 (B) if the person intends to be employed, carry
25 on a vocation, or be a student at a public or private institution of
26 higher education in the other state and if an authority for campus
27 security exists at the institution, register with that authority

1 not later than the 10th day after the date on which the person
2 begins to work or attend school; and

3 (3) regardless of the state in which the person
4 intends to reside, if the person intends to be employed, carry on a
5 vocation, or be a student at a public or private institution of
6 higher education in this state, the person must:

7 (A) not later than the later of the seventh day
8 after the date on which the person begins to work or attend school
9 or the first date the applicable authority by policy allows the
10 person to register, register with:

11 (i) the authority for campus security for
12 that institution; or

13 (ii) except as provided by Article
14 62.153(e) [~~62.064(e)~~], if an authority for campus security for that
15 institution does not exist, the local law enforcement authority of:

16 (a) the municipality in which the
17 institution is located; or

18 (b) the county in which the
19 institution is located, if the institution is not located in a
20 municipality; and

21 (B) not later than the seventh day after the date
22 the person stops working or attending school, notify the
23 appropriate authority for campus security or local law enforcement
24 authority of the termination of the person's status as a worker or
25 student.

26 [~~(i) If a person who is subject to the newspaper publication~~
27 ~~requirements of Subsection (e) is not under community supervision,~~

1 ~~parole, or mandatory supervision, the local law enforcement~~
2 ~~authority obtaining publication of notice regarding the person as~~
3 ~~required by that subsection shall collect from the person an amount~~
4 ~~equal to the cost incurred by the authority in obtaining the~~
5 ~~publication. The cost of the publication of notice must be~~
6 ~~established by written receipt.~~

7 ~~[Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A~~
8 ~~local law enforcement authority may not publish notice in a~~
9 ~~newspaper under Article 62.03(e) or 62.04(f) if the basis on which~~
10 ~~the person is subject to registration is:~~

11 ~~[(1) an adjudication of delinquent conduct; or~~

12 ~~[(2) a conviction or a deferred adjudication for an~~
13 ~~offense under Section 25.02, Penal Code, or an offense under the~~
14 ~~laws of another state, federal law, or the Uniform Code of Military~~
15 ~~Justice that contains elements substantially similar to the~~
16 ~~elements of an offense under Section 25.02, Penal Code, if the~~
17 ~~victim was at the time of the offense a child younger than 17 years~~
18 ~~of age.~~

19 ~~[(b) In addition to the prohibition on publication~~
20 ~~established under Subsection (a), a local law enforcement~~
21 ~~authority may not publish notice in a newspaper under Article~~
22 ~~62.04(f) if the person subject to registration is assigned a~~
23 ~~numeric risk level of one.]~~

24 Art. 62.054 [~~62.032~~]. CIRCUMSTANCES REQUIRING NOTICE TO
25 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law
26 enforcement authority shall provide notice to the superintendent
27 and each administrator under Article 62.053(e) [~~62.03(e)~~] or

1 62.055(f) [~~62.04(f)~~] only if:

2 (1) the victim was at the time of the offense a child
3 younger than 17 years of age or a student enrolled in a public or
4 private secondary school;

5 (2) the person subject to registration is a student
6 enrolled in a public or private secondary school; or

7 (3) the basis on which the person is subject to
8 registration is a conviction, a deferred adjudication, or an
9 adjudication of delinquent conduct for an offense under Section
10 43.25 or 43.26, Penal Code, or an offense under the laws of another
11 state, federal law, or the Uniform Code of Military Justice that
12 contains elements substantially similar to the elements of an
13 offense under either of those sections.

14 (b) A local law enforcement authority may not provide notice
15 to the superintendent or any administrator under Article 62.053(e)
16 [~~62.03(e)~~] or 62.055(f) [~~62.04(f)~~] if the basis on which the person
17 is subject to registration is a conviction, a deferred
18 adjudication, or an adjudication of delinquent conduct for an
19 offense under Section 25.02, Penal Code, or an offense under the
20 laws of another state, federal law, or the Uniform Code of Military
21 Justice that contains elements substantially similar to the
22 elements of an offense under that section.

23 [~~Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE, SEX~~
24 ~~OFFENDER SCREENING TOOL. (a) The Texas Department of Criminal~~
25 ~~Justice shall establish a risk assessment review committee composed~~
26 ~~of at least five members, each of whom is a state employee whose~~
27 ~~service on the review committee is in addition to the employee's~~

1 ~~regular duties. The review committee, to the extent feasible,~~
2 ~~should include at least:~~

3 ~~[(1) one member having experience in law enforcement,~~

4 ~~[(2) one member having experience working with~~
5 ~~juvenile sex offenders,~~

6 ~~[(3) one member having experience as a sex offender~~
7 ~~treatment provider, and~~

8 ~~[(4) one member having experience working with victims~~
9 ~~of sex offenses.~~

10 ~~[(b) The risk assessment review committee functions in an~~
11 ~~oversight capacity. The committee shall:~~

12 ~~[(1) develop or select from among existing tools a sex~~
13 ~~offender screening tool to be used in determining the level of risk~~
14 ~~of a person subject to registration under this chapter,~~

15 ~~[(2) ensure that staff are trained on the use of the~~
16 ~~screening tool,~~

17 ~~[(3) monitor the use of the screening tool in the~~
18 ~~state, and~~

19 ~~[(4) analyze other screening tools as they become~~
20 ~~available and revise or replace the existing screening tool if~~
21 ~~warranted.~~

22 ~~[(c) The sex offender screening tool must use an objective~~
23 ~~point system under which a person is assigned a designated number of~~
24 ~~points for each of various factors. In developing or selecting the~~
25 ~~sex offender screening tool, the risk assessment review committee~~
26 ~~shall use or shall select a screening tool that may be adapted to~~
27 ~~use the following general guidelines:~~

1 ~~[(1) level one (low): a designated range of points on~~
2 ~~the sex offender screening tool indicating that the person poses a~~
3 ~~low danger to the community and will not likely engage in criminal~~
4 ~~sexual conduct;~~

5 ~~[(2) level two (moderate): a designated range of~~
6 ~~points on the sex offender screening tool indicating that the~~
7 ~~person poses a moderate danger to the community and may continue to~~
8 ~~engage in criminal sexual conduct; and~~

9 ~~[(3) level three (high): a designated range of points~~
10 ~~on the sex offender screening tool indicating that the person poses~~
11 ~~a serious danger to the community and will continue to engage in~~
12 ~~criminal sexual conduct.~~

13 ~~[(d) The risk assessment review committee, the Texas~~
14 ~~Department of Criminal Justice, the Texas Youth Commission, or a~~
15 ~~court may override a risk level only if the entity:~~

16 ~~[(1) believes that the risk level assessed is not an~~
17 ~~accurate prediction of the risk the offender poses to the~~
18 ~~community; and~~

19 ~~[(2) documents the reason for the override in the~~
20 ~~offender's case file.~~

21 ~~[(e) Notwithstanding Chapter 58, Family Code, records and~~
22 ~~files, including records that have been sealed under Section 58.003~~
23 ~~of that code, relating to a person for whom a court, the Texas~~
24 ~~Department of Criminal Justice, or the Texas Youth Commission is~~
25 ~~required under this article to determine a level of risk shall be~~
26 ~~released to the court, department, or commission, as appropriate,~~
27 ~~for the purpose of determining the person's risk level.~~

1 ~~[(f) Chapter 551, Government Code, does not apply to a~~
2 ~~meeting of the risk assessment review committee.]~~

3 Art. 62.055 [~~62.04~~]. CHANGE OF ADDRESS. (a) If a person
4 required to register under this chapter intends to change address,
5 regardless of whether the person intends to move to another state,
6 the person shall, not later than the seventh day before the intended
7 change, report in person to the local law enforcement authority
8 designated as the person's primary registration authority by the
9 department and to the juvenile probation officer, community
10 supervision and corrections department officer, or parole officer
11 supervising the person and provide the authority and the officer
12 with the person's anticipated move date and new address. If a
13 person required to register changes address, the person shall, not
14 later than the later of the seventh day after changing the address
15 or the first date the applicable local law enforcement authority by
16 policy allows the person to report, report in person to the local
17 law enforcement authority in the municipality or county in which
18 the person's new residence is located and provide the authority
19 with proof of identity and proof of residence.

20 (b) Not later than the third day after receipt of notice
21 under Subsection (a), the person's juvenile probation officer,
22 community supervision and corrections department officer, or
23 parole officer shall forward the information provided under
24 Subsection (a) to the local law enforcement authority designated as
25 the person's primary registration authority by the department and,
26 if the person intends to move to another municipality or county in
27 this state, to the applicable local law enforcement authority in

1 that municipality or county.

2 (c) If the person moves to another state that has a
3 registration requirement for sex offenders, the person shall, not
4 later than the 10th day after the date on which the person arrives
5 in the other state, register with the law enforcement agency that is
6 identified by the department as the agency designated by that state
7 to receive registration information.

8 (d) Not later than the third day after receipt of
9 information under Subsection (a) or (b), whichever is earlier, the
10 local law enforcement authority shall forward this information to
11 the department and, if the person intends to move to another
12 municipality or county in this state, to the applicable local law
13 enforcement authority in that municipality or county.

14 (e) If a person who reports to a local law enforcement
15 authority under Subsection (a) does not move on or before the
16 anticipated move date or does not move to the new address provided
17 to the authority, the person shall:

18 (1) not later than the seventh day after the
19 anticipated move date, and not less than weekly after that seventh
20 day, report to the local law enforcement authority designated as
21 the person's primary registration authority by the department and
22 provide an explanation to the authority regarding any changes in
23 the anticipated move date and intended residence; and

24 (2) report to the juvenile probation officer,
25 community supervision and corrections department officer, or
26 parole officer supervising the person not less than weekly during
27 any period in which the person has not moved to an intended

1 residence.

2 (f) If the person moves to another municipality or county in
3 this state, the department shall inform the applicable local law
4 enforcement authority in the new area of the person's residence not
5 later than the third day after the date on which the department
6 receives information under Subsection (a). Not later than the
7 eighth day after the date on which the local law enforcement
8 authority is informed under Subsection (a) or under this
9 subsection, the authority shall verify the age of the victim, the
10 basis on which the person is subject to registration under this
11 chapter, and the person's numeric risk level. ~~[The authority shall
12 immediately publish notice in English and Spanish in the newspaper
13 of greatest paid circulation in the county in which the person
14 subject to registration intends to reside or, if there is no
15 newspaper of paid circulation in that county, in the newspaper of
16 greatest general circulation in the county, except as provided by
17 Article 62.031. If the authority publishes notice under this
18 subsection, the authority shall publish a duplicate notice in the
19 newspaper, with any necessary corrections, during the week
20 immediately following the week of initial publication.]~~ The local
21 law enforcement authority shall ~~[also]~~ immediately provide notice
22 to the superintendent of the public school district and to the
23 administrator of any private primary or secondary school located in
24 the public school district in which the person subject to
25 registration intends to reside by mail to the office of the
26 superintendent or administrator, as appropriate, in accordance
27 with Article 62.054 ~~[62.032]~~. On receipt of a notice under this

1 subsection, the superintendent shall release the information
2 contained in the notice to appropriate school district personnel,
3 including peace officers and security personnel, principals,
4 nurses, and counselors.

5 (g) ~~[The local law enforcement authority shall include in~~
6 ~~the notice by publication in a newspaper the following information~~
7 ~~only:~~

8 ~~[(1) the person's full name, age, and gender;~~

9 ~~[(2) a brief description of the offense for which the~~
10 ~~person is subject to registration;~~

11 ~~[(3) the municipality, numeric street address or~~
12 ~~physical address, if a numeric street address is not available, and~~
13 ~~zip code number where the person intends to reside;~~

14 ~~[(4) either a recent photograph of the person or the~~
15 ~~Internet address of a website on which the person's photograph is~~
16 ~~accessible free of charge; and~~

17 ~~[(5) the person's numeric risk level assigned under~~
18 ~~this chapter and the guidelines used to determine a person's risk~~
19 ~~level generally.~~

20 [(h)] The local law enforcement authority shall include in
21 the notice to the superintendent of the public school district and
22 the administrator of any private primary or secondary school
23 located in the public school district any information the authority
24 determines is necessary to protect the public, except:

25 (1) the person's social security number, driver's
26 license number, or telephone number; and

27 (2) any information that would identify the victim of

1 the offense for which the person is subject to registration.

2 (h) [~~(i)~~] If the person moves to another state, the
3 department shall, immediately on receiving information under
4 Subsection (d):

5 (1) inform the [~~law enforcement~~] agency that is
6 designated by the other state to receive registration information,
7 if that state has a registration requirement for sex offenders; and

8 (2) send to the Federal Bureau of Investigation a copy
9 of the person's registration form, including the record of
10 conviction and a complete set of fingerprints.

11 [~~(j) If a person who is subject to the newspaper publication
12 requirements of Subsection (f) is not under community supervision,
13 parole, or mandatory supervision, the local law enforcement
14 authority obtaining publication of notice regarding the person as
15 required by that subsection shall collect from the person an amount
16 equal to the cost incurred by the authority in obtaining the
17 publication. The cost of the publication of notice must be
18 established by written receipt.~~]

19 [~~Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT
20 COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"
21 means water, wastewater, sewer, gas, garbage, electricity, or
22 drainage service.~~]

23 [~~(b) A political subdivision served by a local law
24 enforcement authority obtaining publication of notice under
25 Article 62.03 or 62.04 may bill any unpaid amount under that
26 article, identified separately, within a bill for a utility service
27 provided by the political subdivision to the person who is the~~]

1 ~~subject of the notice, and may suspend service of the utility to a~~
2 ~~person who is delinquent in payment of the amount until the~~
3 ~~delinquent claim is fully paid to the political subdivision.~~

4 ~~[(c) The political subdivision shall remit an amount~~
5 ~~collected under this article to the local law enforcement~~
6 ~~authority.]~~

7 Art. 62.056 [~~62.045~~]. ADDITIONAL PUBLIC NOTICE FOR CERTAIN
8 OFFENDERS. (a) On receipt of notice under this chapter that a
9 person subject to registration is due to be released from a penal
10 institution, has been placed on community supervision or juvenile
11 probation, or intends to move to a new residence in this state, the
12 department shall verify the person's numeric risk level assigned
13 under this chapter. If the person is assigned a numeric risk level
14 of three, the department shall, not later than the seventh day after
15 the date on which the person is released or the 10th day after the
16 date on which the person moves, provide written notice mailed or
17 delivered to at least each [~~residential~~] address, other than a post
18 office box, within a one-mile radius, in an area that has not been
19 subdivided, or a three-block area, in an area that has been
20 subdivided, of the place where the person intends to reside. In
21 providing written notice under this subsection, the department
22 shall use employees of the department whose duties in providing the
23 notice are in addition to the employees' regular duties.

24 (b) The department shall provide the notice in English and
25 Spanish and shall include in the notice any information that is
26 public information under this chapter. The department may not
27 include any information that is not public information under this

1 chapter.

2 (c) The department shall establish procedures for a person
3 with respect to whom notice is provided under Subsection (a), other
4 than a person subject to registration on the basis of an
5 adjudication of delinquent conduct, to pay to the department all
6 costs incurred by the department in providing the notice. The
7 person shall pay those costs in accordance with the procedures
8 established under this subsection.

9 (d) On receipt of notice under this chapter that a person
10 subject to registration under this chapter is required to register
11 or verify registration with a local law enforcement authority and
12 has been assigned a numeric risk level of three, the local law
13 enforcement authority may provide notice to the public in any
14 manner determined appropriate by the local law enforcement
15 authority, including publishing notice in a newspaper or other
16 periodical or circular in circulation in the area where the person
17 intends to reside, holding a neighborhood meeting, posting notices
18 in the area where the person intends to reside, distributing
19 printed notices to area residents, or establishing a specialized
20 local website. The local law enforcement authority may include in
21 the notice only ~~any~~ information that is public information under
22 this chapter.

23 (e) An owner, builder, seller, or lessor of a single-family
24 residential real property or any improvement to residential real
25 property or that person's broker, salesperson, or other agent or
26 representative in a residential real estate transaction does not
27 have a duty to make a disclosure to a prospective buyer or lessee

1 about registrants under this chapter. To the extent of any conflict
2 between this subsection and another law imposing a duty to disclose
3 information about registered sex offenders, this subsection
4 controls.

5 ~~[Art. 62.0451. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS~~
6 ~~SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this~~
7 ~~chapter that a person subject to registration who is civilly~~
8 ~~committed as a sexually violent predator is due to be released from~~
9 ~~a penal institution or intends to move to a new residence in this~~
10 ~~state, the department shall, not later than the seventh day after~~
11 ~~the date on which the person is released or the 10th day after the~~
12 ~~date on which the person moves, provide written notice mailed or~~
13 ~~delivered to at least each residential address within a one-mile~~
14 ~~radius, in an area that has not been subdivided, or a three-block~~
15 ~~area, in an area that has been subdivided, of the place where the~~
16 ~~person intends to reside.~~

17 ~~[(b) The department shall provide the notice in English and~~
18 ~~Spanish and shall include in the notice any information that is~~
19 ~~public information under this chapter. The department may not~~
20 ~~include any information that is not public information under this~~
21 ~~chapter.~~

22 ~~[(c) The department shall establish procedures for a person~~
23 ~~with respect to whom notice is provided under this article to pay to~~
24 ~~the department all costs incurred by the department in providing~~
25 ~~the notice. The person shall pay those costs in accordance with the~~
26 ~~procedures established under this subsection.~~

27 ~~[(d) The department's duty to provide notice under this~~

1 ~~article in regard to a particular person ends on the date on which a~~
2 ~~court releases the person from all requirements of the civil~~
3 ~~commitment process.]~~

4 Art. 62.057 [~~62.05~~]. STATUS REPORT BY SUPERVISING OFFICER
5 OR LOCAL LAW ENFORCEMENT AUTHORITY [~~AGENCY~~]. (a) If the juvenile
6 probation officer, community supervision and corrections
7 department officer, or parole officer supervising a person subject
8 to registration under this chapter receives information to the
9 effect that the person's status has changed in any manner that
10 affects proper supervision of the person, including a change in the
11 person's name, physical health, job or educational status,
12 including higher educational status, incarceration, or terms of
13 release, the supervising officer shall promptly notify the
14 appropriate local law enforcement authority or authorities of that
15 change. If the person required to register intends to change
16 address, the supervising officer shall notify the local law
17 enforcement authorities designated by Article 62.055(b)
18 [~~62.04(b)~~]. Not later than the seventh day after the date the
19 supervising officer receives the relevant information, the
20 supervising officer shall notify the local law enforcement
21 authority of any change in the person's job or educational status in
22 which the person:

23 (1) becomes employed, begins to carry on a vocation,
24 or becomes a student at a particular public or private institution
25 of higher education; or

26 (2) terminates the person's status in that capacity.

27 (b) Not later than the seventh day after the date of the

1 change, a person subject to registration under this chapter shall
2 report to the local law enforcement authority designated as the
3 person's primary registration authority by the department any
4 change in the person's name, physical health, or ~~[in the person's]~~
5 job or educational status, including higher educational status.

6 (c) For purposes of Subsection (b):

7 (1) ~~[this subsection,]~~ a person's job status changes
8 if the person leaves employment for any reason, remains employed by
9 an employer but changes the location at which the person works, or
10 begins employment with a new employer;

11 (2) ~~[For purposes of this subsection,]~~ a person's
12 health status changes if the person is hospitalized as a result of
13 an illness;

14 (3) ~~[For purposes of this subsection,]~~ a change in a
15 person's educational status includes the person's transfer from one
16 educational facility to another; and

17 (4) regarding ~~[Regarding]~~ a change of name, ~~[the]~~
18 notice of the ~~[a]~~ proposed name ~~[change]~~ provided to a local law
19 enforcement authority as described by Sections 45.004 and 45.103,
20 Family Code, is sufficient ~~[for purposes of this subsection],~~
21 except that the person shall promptly notify the authority of any
22 denial of the person's petition for a change of name.

23 (d) Not later than the seventh day after the date the local
24 law enforcement authority receives the relevant information, the
25 local law enforcement authority shall notify the department of any
26 change in the person's job or educational status in which the
27 person:

1 (1) becomes employed, begins to carry on a vocation,
2 or becomes a student at a particular public or private institution
3 of higher education; or

4 (2) terminates the person's status in that capacity.

5 Art. 62.058 [~~62.06~~]. LAW ENFORCEMENT VERIFICATION OF
6 REGISTRATION INFORMATION. (a) A person subject to registration
7 under this chapter who has for a sexually violent offense been
8 convicted two or more times, received an order of deferred
9 adjudication two or more times, or been convicted and received an
10 order of deferred adjudication shall report to the local law
11 enforcement authority designated as the person's primary
12 registration authority by the department not less than once in each
13 90-day period following the date the person first registered under
14 this chapter to verify the information in the registration form
15 maintained by the authority for that person. A person subject to
16 registration under this chapter who is not subject to the 90-day
17 reporting requirement described by this subsection shall report to
18 the local law enforcement authority designated as the person's
19 primary registration authority by the department once each year not
20 earlier than the 30th day before and not later than the 30th day
21 after the anniversary of the person's date of birth to verify the
22 information in the registration form maintained by the authority
23 for that person. For purposes of this subsection, a person complies
24 with a requirement that the person register within a 90-day period
25 following a date if the person registers at any time on or after the
26 83rd day following that date but before the 98th day after that
27 date.

1 (b) A local law enforcement authority designated as a
2 person's primary registration authority by the department may
3 direct the person to report to the authority to verify the
4 information in the registration form maintained by the authority
5 for that person. The authority may direct the person to report
6 under this subsection once in each 90-day period following the date
7 the person first registered under this chapter, if the person is
8 required to report not less than once in each 90-day period under
9 Subsection (a) or once in each year not earlier than the 30th day
10 before and not later than the 30th day after the anniversary of the
11 person's date of birth, if the person is required to report once
12 each year under Subsection (a). A local law enforcement authority
13 may not direct a person to report to the authority under this
14 subsection if the person is required to report under Subsection (a)
15 and is in compliance with the reporting requirements of that
16 subsection.

17 (c) A local law enforcement authority with whom a person
18 reports under this article shall require the person to produce
19 proof of the person's identity and residence before the authority
20 gives the registration form to the person for verification. If the
21 information in the registration form is complete and accurate, the
22 person shall verify registration by signing the form. If the
23 information is not complete or not accurate, the person shall make
24 any necessary additions or corrections before signing the form.

25 (d) A local law enforcement authority designated as a
26 person's primary registration authority by the department may at
27 any time mail a nonforwardable verification form to the last

1 reported address of the person. Not later than the 21st day after
2 receipt of a verification form under this subsection, the person
3 shall:

4 (1) indicate on the form whether the person still
5 resides at the last reported address and, if not, provide on the
6 form the person's new address;

7 (2) complete any other information required by the
8 form;

9 (3) sign the form; and

10 (4) return the form to the authority.

11 (e) For purposes of this article, a person receives multiple
12 convictions or orders of deferred adjudication regardless of
13 whether:

14 (1) the judgments or orders are entered on different
15 dates; or

16 (2) the offenses for which the person was convicted or
17 placed on deferred adjudication arose out of different criminal
18 transactions.

19 ~~[Art. 62.061. VERIFICATION OF INDIVIDUALS SUBJECT TO~~
20 ~~COMMITMENT. (a) Notwithstanding Article 62.06, if an individual~~
21 ~~subject to registration under this chapter is civilly committed as~~
22 ~~a sexually violent predator, the person shall report to the local~~
23 ~~law enforcement authority designated as the person's primary~~
24 ~~registration authority by the department not less than once in each~~
25 ~~30-day period following the date the person first registered under~~
26 ~~this chapter to verify the information in the registration form~~
27 ~~maintained by the authority for that person. For purposes of this~~

1 ~~subsection, a person complies with a requirement that the person~~
2 ~~register within a 30-day period following a date if the person~~
3 ~~registers at any time on or after the 27th day following that date~~
4 ~~but before the 33rd day after that date.~~

5 ~~[(b) On the date that a court releases a person described by~~
6 ~~Subsection (a) from all requirements of the civil commitment~~
7 ~~process:~~

8 ~~(1) the person's duty to verify registration as a sex~~
9 ~~offender is no longer imposed by this article; and~~

10 ~~(2) the person is required to verify registration as~~
11 ~~provided by Article 62.06.]~~

12 Art. 62.059 [~~62.062~~]. REGISTRATION OF PERSONS REGULARLY
13 VISITING LOCATION. (a) A person subject to this chapter who on at
14 least three occasions during any month spends more than 48
15 consecutive hours in a municipality or county in this state, other
16 than the municipality or county in which the person is registered
17 under this chapter, before the last day of that month shall report
18 that fact to:

19 (1) the local law enforcement authority of the
20 municipality in which the person is a visitor; or

21 (2) if the person is a visitor in a location that is
22 not a municipality, the local law enforcement authority of the
23 county in which the person is a visitor.

24 (b) A person described by Subsection (a) shall provide the
25 local law enforcement authority with:

26 (1) all information the person is required to provide
27 under Article 62.051(c) [~~62.02(b)~~];

1 (2) the address of any location in the municipality or
2 county, as appropriate, at which the person was lodged during the
3 month; and

4 (3) a statement as to whether the person intends to
5 return to the municipality or county during the succeeding month.

6 (c) This article does not impose on a local law enforcement
7 authority requirements of public notification or notification to
8 schools relating to a person about whom the authority is not
9 otherwise required by this chapter to make notifications.

10 ~~[Art. 62.063. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.~~

11 ~~(a) A person is subject to this article and, except as otherwise~~
12 ~~provided by this article, to the other articles of this chapter if~~
13 ~~the person:~~

14 ~~[(1) has a reportable conviction or adjudication,~~

15 ~~[(2) resides in another state, and~~

16 ~~[(3) is employed, carries on a vocation, or is a~~
17 ~~student in this state.~~

18 ~~[(b) A person described by Subsection (a) is subject to the~~
19 ~~registration and verification requirements of Articles 62.02 and~~
20 ~~62.06 and to the change of address requirements of Article 62.04,~~
21 ~~except that the registration and verification and the reporting of~~
22 ~~a change of address are based on the municipality or county in which~~
23 ~~the person works or attends school. The person is subject to the~~
24 ~~school notification requirements of Articles 62.03 and 62.04,~~
25 ~~except that notice provided to the superintendent and any~~
26 ~~administrator is based on the public school district in which the~~
27 ~~person works or attends school.~~

1 ~~[(c) A person described by Subsection (a) is not subject to~~
2 ~~Article 62.12 and the newspaper publication requirements of~~
3 ~~Articles 62.03 and 62.04.~~

4 ~~[(d) The duty to register for a person described by~~
5 ~~Subsection (a) ends when the person no longer works or studies in~~
6 ~~this state, provides notice of that fact to the local law~~
7 ~~enforcement authority in the municipality or county in which the~~
8 ~~person works or attends school, and receives notice of verification~~
9 ~~of that fact from the authority. The authority must verify that the~~
10 ~~person no longer works or studies in this state and must provide to~~
11 ~~the person notice of that verification within a reasonable time.~~

12 ~~[(e) Notwithstanding Subsection (a), this article does not~~
13 ~~apply to a person who has a reportable conviction or adjudication,~~
14 ~~who resides in another state, and who is employed, carries on a~~
15 ~~vocation, or is a student in this state if the person establishes~~
16 ~~another residence in this state to work or attend school in this~~
17 ~~state. However, that person remains subject to the other articles~~
18 ~~of this chapter based on that person's residence in this state.~~

19 ~~[Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT~~
20 ~~INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh~~
21 ~~day after the date on which the person begins to work or attend~~
22 ~~school, a person required to register under Article 62.061, as~~
23 ~~added by Chapters 1193 and 1415, Acts of the 76th Legislature,~~
24 ~~Regular Session, 1999, or any other provision of this chapter who is~~
25 ~~employed, carries on a vocation, or is a student at a public or~~
26 ~~private institution of higher education in this state shall report~~
27 ~~that fact to:~~

1 ~~[(1) the authority for campus security for that~~
2 ~~institution; or~~

3 ~~[(2) if an authority for campus security for that~~
4 ~~institution does not exist, the local law enforcement authority of:~~

5 ~~[(A) the municipality in which the institution is~~
6 ~~located; or~~

7 ~~[(B) the county in which the institution is~~
8 ~~located, if the institution is not located in a municipality.~~

9 ~~[(b) A person described by Subsection (a) shall provide the~~
10 ~~authority for campus security or the local law enforcement~~
11 ~~authority with all information the person is required to provide~~
12 ~~under Article 62.02(b).~~

13 ~~[(c) A person described by Subsection (a) shall notify the~~
14 ~~authority for campus security or the local law enforcement~~
15 ~~authority not later than the seventh day after the date of~~
16 ~~termination of the person's status as a worker or student at the~~
17 ~~institution.~~

18 ~~[(d) The authority for campus security or the local law~~
19 ~~enforcement authority shall promptly forward to the administrative~~
20 ~~office of the institution any information received from the person~~
21 ~~under this article and any information received from the department~~
22 ~~under Article 62.08.~~

23 ~~[(e) Subsection (a)(2) does not require a person to register~~
24 ~~at a local law enforcement authority if the person is otherwise~~
25 ~~required by this chapter to register at that authority.~~

26 ~~[(f) This article does not impose the requirements of public~~
27 ~~notification or notification to public or private primary or~~

1 ~~secondary schools on:~~

2 ~~(1) an authority for campus security; or~~

3 ~~(2) a local law enforcement authority, if those~~
4 ~~requirements relate to a person about whom the authority is not~~
5 ~~otherwise required by this chapter to make notifications.~~

6 ~~(g) Notwithstanding Article 62.062, the requirements of~~
7 ~~this article supersede those of Article 62.062 for a person~~
8 ~~required to register under both this article and Article 62.062.]~~

9 Art. 62.060 [~~62.065~~]. REQUIREMENTS RELATING TO DRIVER'S
10 LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person
11 subject to registration under this chapter shall apply to the
12 department in person for the issuance of, as applicable, an
13 original or renewal driver's license under Section 521.272,
14 Transportation Code, an original or renewal personal
15 identification certificate under Section 521.103, Transportation
16 Code, or an original or renewal commercial driver's license or
17 commercial driver learner's permit under Section 522.033,
18 Transportation Code, not later than the 30th day after the date:

19 (1) the person is released from a penal institution or
20 is released by a court on community supervision or juvenile
21 probation [~~or community supervision~~]; or

22 (2) the department sends written notice to the person
23 of the requirements of this article.

24 (b) The person shall annually renew in person each driver's
25 license or personal identification certificate issued by the
26 department to the person, including each renewal, duplicate, or
27 corrected license or certificate, until the person's duty to

1 register under this chapter expires.

2 Art. 62.061. DNA SPECIMEN. A person required to register
3 under this chapter shall comply with a request for a DNA specimen
4 made by a law enforcement agency under Section 411.1473, Government
5 Code.

6 Art. 62.062. LIMITATION ON NEWSPAPER PUBLICATION. (a)
7 Except as provided by Subsection (b), a local law enforcement
8 authority may not publish notice in a newspaper or other periodical
9 or circular concerning a person's registration under this chapter
10 if the only basis on which the person is subject to registration is
11 one or more adjudications of delinquent conduct.

12 (b) This article does not apply to a publication of notice
13 under Article 62.056.

14 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL
15 PENALTIES FOR NONCOMPLIANCE

16 Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as
17 provided by Subsection (b) and Subchapter I, the duty to register
18 for a person ends when the person dies if the person has a
19 reportable conviction or adjudication, other than an adjudication
20 of delinquent conduct, for:

21 (1) a sexually violent offense;

22 (2) an offense under Section 25.02, 43.05(a)(2), or
23 43.26, Penal Code;

24 (3) an offense under Section 21.11(a)(2), Penal Code,
25 if before or after the person is convicted or adjudicated for the
26 offense under Section 21.11(a)(2), Penal Code, the person receives
27 or has received another reportable conviction or adjudication,

1 other than an adjudication of delinquent conduct, for an offense or
2 conduct that requires registration under this chapter;

3 (4) an offense under Section 20.02, 20.03, or 20.04,
4 Penal Code, if:

5 (A) the judgment in the case contains an
6 affirmative finding under Article 42.015 or, for a deferred
7 adjudication, the papers in the case contain an affirmative finding
8 that the victim or intended victim was younger than 17 years of age;
9 and

10 (B) before or after the person is convicted or
11 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
12 Penal Code, the person receives or has received another reportable
13 conviction or adjudication, other than an adjudication of
14 delinquent conduct, for an offense or conduct that requires
15 registration under this chapter; or

16 (5) an offense under Section 43.23, Penal Code, that
17 is punishable under Subsection (h) of that section.

18 (b) Except as provided by Subchapter I, the duty to register
19 for a person otherwise subject to Subsection (a) ends on the 10th
20 anniversary of the date on which the person is released from a penal
21 institution or discharges community supervision or the court
22 dismisses the criminal proceedings against the person and
23 discharges the person, whichever date is later, if the person's
24 duty to register is based on a conviction or an order of deferred
25 adjudication in a cause that was transferred to a district court or
26 criminal district court under Section 54.02, Family Code.

27 (c) Except as provided by Subchapter I, the duty to register

1 for a person with a reportable conviction or adjudication for an
2 offense other than an offense described by Subsection (a) ends:

3 (1) if the person's duty to register is based on an
4 adjudication of delinquent conduct, on the 10th anniversary of the
5 date on which the disposition is made or the person completes the
6 terms of the disposition, whichever date is later; or

7 (2) if the person's duty to register is based on a
8 conviction or on an order of deferred adjudication, on the 10th
9 anniversary of the date on which the court dismisses the criminal
10 proceedings against the person and discharges the person, the
11 person is released from a penal institution, or the person
12 discharges community supervision, whichever date is later.

13 ~~[Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. A person~~
14 ~~subject to registration under this chapter may petition the~~
15 ~~district court for injunctive relief to restrain a local law~~
16 ~~enforcement authority from publishing notice in a newspaper as~~
17 ~~required by Article 62.03 or 62.04. The court may issue a temporary~~
18 ~~restraining order under this article before notice is served and a~~
19 ~~hearing is held on the matter. After a hearing on the matter, the~~
20 ~~court may grant any injunctive relief warranted by the facts,~~
21 ~~including a restraining order or a temporary or permanent~~
22 ~~injunction, if the person subject to registration under this~~
23 ~~chapter proves by a preponderance of the evidence specific facts~~
24 ~~indicating that newspaper publication under Article 62.03 or 62.04~~
25 ~~would place the person's health and well-being in immediate danger.~~

26 ~~[Art. 62.08. CENTRAL DATABASE; PUBLIC INFORMATION. (a) The~~
27 ~~department shall maintain a computerized central database~~

1 ~~containing only the information required for registration under~~
2 ~~this chapter.~~

3 ~~[(b) The information contained in the database is public~~
4 ~~information, with the exception of any information:~~

5 ~~[(1) regarding the person's social security number,~~
6 ~~driver's license number, or telephone number;~~

7 ~~[(2) that is required by the department under Article~~
8 ~~62.02(b)(7); or~~

9 ~~[(3) that would identify the victim of the offense for~~
10 ~~which the person is subject to registration.~~

11 ~~[(c) Notwithstanding Chapter 730, Transportation Code, the~~
12 ~~department shall maintain in the database, and shall post on any~~
13 ~~department website related to the database, any photograph of the~~
14 ~~person that is available through the process for obtaining or~~
15 ~~renewing a personal identification certificate or driver's license~~
16 ~~under Section 521.103 or 521.272, Transportation Code. The~~
17 ~~department shall update the photograph in the database and on the~~
18 ~~website annually or as the photograph otherwise becomes available~~
19 ~~through the renewal process for the certificate or license.~~

20 ~~[(d) A local law enforcement authority shall release public~~
21 ~~information described under Subsection (b) to any person who~~
22 ~~submits to the authority a written request for the information. The~~
23 ~~authority may charge the person a fee not to exceed the amount~~
24 ~~reasonably necessary to cover the administrative costs associated~~
25 ~~with the authority's release of information to the person under~~
26 ~~this subsection.~~

27 ~~[(e) The department shall provide a licensing authority~~

1 ~~with notice of any person required to register under this chapter~~
2 ~~who holds or seeks a license that is issued by the authority. The~~
3 ~~department shall provide the notice required by this subsection as~~
4 ~~the applicable licensing information becomes available through the~~
5 ~~person's registration or verification of registration.~~

6 ~~[(f) On the written request of a licensing authority that~~
7 ~~identifies an individual and states that the individual is an~~
8 ~~applicant for or a holder of a license issued by the authority, the~~
9 ~~department shall release any information described by Subsection~~
10 ~~(a) to the licensing authority.~~

11 ~~[(g) For the purposes of Subsections (e) and (f):~~

12 ~~[(1) "License" means a license, certificate,~~
13 ~~registration, permit, or other authorization that:~~

14 ~~[(A) is issued by a licensing authority; and~~

15 ~~[(B) a person must obtain to practice or engage~~
16 ~~in a particular business, occupation, or profession.~~

17 ~~[(2) "Licensing authority" means a department,~~
18 ~~commission, board, office, or other agency of the state or a~~
19 ~~political subdivision of the state that issues a license.~~

20 ~~[(h) Not later than the third day after the date on which the~~
21 ~~applicable information becomes available through the person's~~
22 ~~registration or verification of registration or under Article~~
23 ~~62.05, the department shall send notice of any person required to~~
24 ~~register under this chapter who is or will be employed, carrying on~~
25 ~~a vocation, or a student at a public or private institution of~~
26 ~~higher education in this state to:~~

27 ~~[(1) for an institution in this state:~~

1 ~~[(A) the authority for campus security for that~~
2 ~~institution; or~~

3 ~~[(B) if an authority for campus security for that~~
4 ~~institution does not exist, the local law enforcement authority of:~~

5 ~~[(i) the municipality in which the~~
6 ~~institution is located; or~~

7 ~~[(ii) the county in which the institution~~
8 ~~is located, if the institution is not located in a municipality; or~~

9 ~~[(2) for an institution in another state, any existing~~
10 ~~authority for campus security at that institution.~~

11 ~~[(i) On the written request of an institution of higher~~
12 ~~education described by Subsection (h) that identifies an individual~~
13 ~~and states that the individual has applied to work or study at the~~
14 ~~institution, the department shall release any information~~
15 ~~described by Subsection (a) to the institution.~~

16 ~~[Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. The~~
17 ~~department shall establish a procedure by which a peace officer or~~
18 ~~employee of a law enforcement agency who provides the department~~
19 ~~with a driver's license, personal identification certificate, or~~
20 ~~license plate number is automatically provided information as to~~
21 ~~whether the person to whom the driver's license or personal~~
22 ~~identification certificate is issued is required to register under~~
23 ~~this chapter or whether the license plate number is entered in the~~
24 ~~computerized central database under Article 62.08 as assigned to a~~
25 ~~vehicle owned or driven by a person required to register under this~~
26 ~~chapter.~~

27 ~~[Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.~~

1 ~~(a) The department, a penal institution, a local law enforcement~~
2 ~~authority, or an authority for campus security may release to the~~
3 ~~public information regarding a person required to register only if~~
4 ~~the information is public information under this chapter.~~

5 ~~[(b) An individual, agency, entity, or authority is not~~
6 ~~liable under Chapter 101, Civil Practice and Remedies Code, or any~~
7 ~~other law for damages arising from conduct authorized by Subsection~~
8 ~~(a).~~

9 ~~[(c) For purposes of determining liability, the release or~~
10 ~~withholding of information by an appointed or elected officer of an~~
11 ~~agency, entity, or authority is a discretionary act.~~

12 ~~[(d) A private primary or secondary school, public or~~
13 ~~private institution of higher education, or administrator of a~~
14 ~~private primary or secondary school or public or private~~
15 ~~institution of higher education may release to the public~~
16 ~~information regarding a person required to register only if the~~
17 ~~information is public information under this chapter and is~~
18 ~~released to the administrator under Article 62.03, 62.04, 62.064,~~
19 ~~or 62.08. A private primary or secondary school, public or private~~
20 ~~institution of higher education, or administrator of a private~~
21 ~~primary or secondary school or public or private institution of~~
22 ~~higher education is not liable under any law for damages arising~~
23 ~~from conduct authorized by this subsection.~~

24 ~~[Art. 62.091. GENERAL IMMUNITY. The following persons are~~
25 ~~immune from liability for good faith conduct under this chapter:~~

26 ~~[(1) an employee or officer of the Texas Department of~~
27 ~~Criminal Justice, the Texas Youth Commission, the Texas Juvenile~~

1 ~~Probation Commission, or the Department of Public Safety,~~

2 ~~[(2) an employee or officer of a community supervision~~
3 ~~and corrections department or a juvenile probation department, and~~

4 ~~[(3) a member of the judiciary.]~~

5 Art. 62.102 [~~62.10~~]. FAILURE TO COMPLY WITH REGISTRATION
6 REQUIREMENTS. (a) A person commits an offense if the person is
7 required to register and fails to comply with any requirement of
8 this chapter.

9 (b) An offense under this article is:

10 (1) a state jail felony if the actor is a person whose
11 duty to register expires under Article 62.101(b) or (c) [~~62.12(b)~~];

12 (2) a felony of the third degree if the actor is a
13 person whose duty to register expires under Article 62.101(a)
14 [~~62.12(a)~~] and who is required to verify registration once each
15 year under Article 62.058 [~~62.06~~]; and

16 (3) a felony of the second degree if the actor is a
17 person whose duty to register expires under Article 62.101(a)
18 [~~62.12(a)~~] and who is required to verify registration once each
19 90-day period under Article 62.058 [~~62.06~~].

20 (c) If it is shown at the trial of a person for an offense or
21 an attempt to commit an offense under this article that the person
22 has previously been convicted of an offense or an attempt to commit
23 an offense under this article, the punishment for the offense or the
24 attempt to commit the offense is increased to the punishment for the
25 next highest degree of felony.

1 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN

2 WORKERS AND STUDENTS

3 Art. 62.151. DEFINITIONS. For purposes of this subchapter,
4 a person:

5 (1) is employed or carries on a vocation if the person
6 works or volunteers on a full-time or part-time basis for a
7 consecutive period exceeding 14 days or for an aggregate period
8 exceeding 30 days in a calendar year;

9 (2) works regardless of whether the person works for
10 compensation or for governmental or educational benefit; and

11 (3) is a student if the person enrolls on a full-time
12 or part-time basis in any educational facility, including:

13 (A) a public or private primary or secondary
14 school, including a high school or alternative learning center; or

15 (B) a public or private institution of higher
16 education.

17 Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

18 (a) A person is subject to this subchapter and, except as otherwise
19 provided by this article, to the other subchapters of this chapter
20 if the person:

21 (1) has a reportable conviction or adjudication;

22 (2) resides in another state; and

23 (3) is employed, carries on a vocation, or is a student
24 in this state.

25 (b) A person described by Subsection (a) is subject to the
26 registration and verification requirements of Articles 62.051 and
27 62.058 and to the change of address requirements of Article 62.055,

1 except that the registration and verification and the reporting of
2 a change of address are based on the municipality or county in which
3 the person works or attends school. The person is subject to the
4 school notification requirements of Articles 62.053-62.055, except
5 that notice provided to the superintendent and any administrator is
6 based on the public school district in which the person works or
7 attends school.

8 (c) A person described by Subsection (a) is not subject to
9 Article 62.101.

10 (d) The duty to register for a person described by
11 Subsection (a) ends when the person no longer works or studies in
12 this state, provides notice of that fact to the local law
13 enforcement authority in the municipality or county in which the
14 person works or attends school, and receives notice of verification
15 of that fact from the authority. The authority must verify that the
16 person no longer works or studies in this state and must provide to
17 the person notice of that verification within a reasonable time.

18 (e) Notwithstanding Subsection (a), this article does not
19 apply to a person who has a reportable conviction or adjudication,
20 who resides in another state, and who is employed, carries on a
21 vocation, or is a student in this state if the person establishes
22 another residence in this state to work or attend school in this
23 state. However, that person remains subject to the other articles
24 of this chapter based on that person's residence in this state.

25 Art. 62.153. REGISTRATION OF WORKERS OR STUDENTS AT
26 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the later of
27 the seventh day after the date on which the person begins to work or

1 attend school or the first date the applicable authority by policy
2 allows the person to register, a person required to register under
3 Article 62.152 or any other provision of this chapter who is
4 employed, carries on a vocation, or is a student at a public or
5 private institution of higher education in this state shall report
6 that fact to:

7 (1) the authority for campus security for that
8 institution; or

9 (2) if an authority for campus security for that
10 institution does not exist, the local law enforcement authority of:

11 (A) the municipality in which the institution is
12 located; or

13 (B) the county in which the institution is
14 located, if the institution is not located in a municipality.

15 (b) A person described by Subsection (a) shall provide the
16 authority for campus security or the local law enforcement
17 authority with all information the person is required to provide
18 under Article 62.051(c).

19 (c) A person described by Subsection (a) shall notify the
20 authority for campus security or the local law enforcement
21 authority not later than the seventh day after the date of
22 termination of the person's status as a worker or student at the
23 institution.

24 (d) The authority for campus security or the local law
25 enforcement authority shall promptly forward to the administrative
26 office of the institution any information received from the person
27 under this article and any information received from the department

1 under Article 62.005.

2 (e) Subsection (a)(2) does not require a person to register
3 with a local law enforcement authority if the person is otherwise
4 required by this chapter to register with that authority.

5 (f) This article does not impose the requirements of public
6 notification or notification to public or private primary or
7 secondary schools on:

8 (1) an authority for campus security; or

9 (2) a local law enforcement authority, if those
10 requirements relate to a person about whom the authority is not
11 otherwise required by this chapter to make notifications.

12 (g) Notwithstanding Article 62.059, the requirements of
13 this article supersede those of Article 62.059 for a person
14 required to register under both this article and Article 62.059.

15 SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS

16 SUBJECT TO CIVIL COMMITMENT

17 Art. 62.201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS
18 SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this
19 chapter that a person subject to registration who is civilly
20 committed as a sexually violent predator is due to be released from
21 a penal institution or intends to move to a new residence in this
22 state, the department shall, not later than the seventh day after
23 the date on which the person is released or the seventh day after
24 the date on which the person moves, provide written notice mailed or
25 delivered to at least each address, other than a post office box,
26 within a one-mile radius, in an area that has not been subdivided,
27 or a three-block area, in an area that has been subdivided, of the

1 place where the person intends to reside.

2 (b) The department shall provide the notice in English and
3 Spanish and shall include in the notice any information that is
4 public information under this chapter. The department may not
5 include any information that is not public information under this
6 chapter.

7 (c) The department shall establish procedures for a person
8 with respect to whom notice is provided under this article to pay to
9 the department all costs incurred by the department in providing
10 the notice. The person shall pay those costs in accordance with the
11 procedures established under this subsection.

12 (d) The department's duty to provide notice under this
13 article in regard to a particular person ends on the date on which a
14 court releases the person from all requirements of the civil
15 commitment process.

16 Art. 62.202. VERIFICATION OF INDIVIDUALS SUBJECT TO
17 COMMITMENT. (a) Notwithstanding Article 62.058, if an individual
18 subject to registration under this chapter is civilly committed as
19 a sexually violent predator, the person shall report to the local
20 law enforcement authority designated as the person's primary
21 registration authority by the department not less than once in each
22 30-day period following the date the person first registered under
23 this chapter to verify the information in the registration form
24 maintained by the authority for that person. For purposes of this
25 subsection, a person complies with a requirement that the person
26 register within a 30-day period following a date if the person
27 registers at any time on or after the 27th day following that date

1 but before the 33rd day after that date.

2 (b) On the date a court releases a person described by
3 Subsection (a) from all requirements of the civil commitment
4 process:

5 (1) the person's duty to verify registration as a sex
6 offender is no longer imposed by this article; and

7 (2) the person is required to verify registration as
8 provided by Article 62.058.

9 Art. 62.203 [~~62.101~~]. FAILURE TO COMPLY: INDIVIDUALS
10 SUBJECT TO COMMITMENT. (a) A person commits an offense if the
11 person, after commitment as a sexually violent predator but before
12 the person is released from all requirements of the civil
13 commitment process, fails to comply with any requirement of this
14 chapter.

15 (b) An offense under this article [~~section~~] is a felony of
16 the second degree.

17 SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

18 [~~Art. 62.11. APPLICABILITY. (a) This chapter applies only~~
19 ~~to a reportable conviction or adjudication occurring on or after~~
20 ~~September 1, 1970, except that the provisions of Articles 62.03 and~~
21 ~~62.04 of this chapter relating to the requirement of newspaper~~
22 ~~publication apply only to a reportable conviction or adjudication~~
23 ~~occurring on or after:~~

24 [~~(1) September 1, 1997, if the conviction or~~
25 ~~adjudication relates to an offense under Section 43.05, Penal Code,~~
26 ~~or~~

27 [~~(2) September 1, 1995, if the conviction or~~

1 ~~adjudication relates to any other offense listed in Article~~
2 ~~62.01(5).~~

3 ~~[(b) Except as provided by Subsection (c), the duties~~
4 ~~imposed on a person required to register under this chapter on the~~
5 ~~basis of a reportable conviction or adjudication, and the~~
6 ~~corresponding duties and powers of other entities in relation to~~
7 ~~the person required to register on the basis of that conviction or~~
8 ~~adjudication, are not affected by:~~

9 ~~[(1) an appeal of the conviction or adjudication; or~~

10 ~~[(2) a pardon of the conviction or adjudication.~~

11 ~~[(c) If a conviction or adjudication that is the basis of a~~
12 ~~duty to register under this chapter is set aside on appeal by a~~
13 ~~court or if the person required to register under this chapter on~~
14 ~~the basis of a conviction or adjudication receives a pardon on the~~
15 ~~basis of subsequent proof of innocence, the duties imposed on the~~
16 ~~person by this chapter and the corresponding duties and powers of~~
17 ~~other entities in relation to the person are terminated.~~

18 ~~[Art. 62.12. EXPIRATION OF DUTY TO REGISTER. (a) The duty~~
19 ~~to register for a person ends when the person dies if the person has~~
20 ~~a reportable conviction or adjudication, other than an adjudication~~
21 ~~of delinquent conduct, for:~~

22 ~~[(1) a sexually violent offense;~~

23 ~~[(2) an offense under Section 25.02, 43.05(a)(2), or~~
24 ~~43.26, Penal Code;~~

25 ~~[(3) an offense under Section 21.11(a)(2), Penal Code,~~
26 ~~if before or after the person is convicted or adjudicated for the~~
27 ~~offense under Section 21.11(a)(2), Penal Code, the person receives~~

1 ~~or has received another reportable conviction or adjudication,~~
2 ~~other than an adjudication of delinquent conduct, for an offense or~~
3 ~~conduct that requires registration under this chapter; or~~

4 ~~[(4) an offense under Section 20.02, 20.03, or 20.04,~~
5 ~~Penal Code, or an attempt, conspiracy, or solicitation to commit~~
6 ~~one of those offenses, if:~~

7 ~~[(A) the judgment in the case contains an~~
8 ~~affirmative finding under Article 42.015 or, for a deferred~~
9 ~~adjudication, the papers in the case contain an affirmative finding~~
10 ~~that the victim or intended victim was younger than 17 years of age,~~
11 ~~and~~

12 ~~[(B) before or after the person is convicted or~~
13 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~
14 ~~Penal Code, the person receives or has received another reportable~~
15 ~~conviction or adjudication, other than an adjudication of~~
16 ~~delinquent conduct, for an offense or conduct that requires~~
17 ~~registration under this chapter.~~

18 ~~[(b) The duty to register for a person with a reportable~~
19 ~~conviction or adjudication for an offense other than an offense~~
20 ~~described by Subsection (a) ends:~~

21 ~~[(1) if the person's duty to register is based on an~~
22 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~
23 ~~date on which the disposition is made or the person completes the~~
24 ~~terms of the disposition, whichever date is later; or~~

25 ~~[(2) if the person's duty to register is based on a~~
26 ~~conviction or on an order of deferred adjudication, on the 10th~~
27 ~~anniversary of the date on which the court dismisses the criminal~~

1 ~~proceedings against the person and discharges the person, the~~
2 ~~person is released from county jail, or the person discharges~~
3 ~~community supervision, whichever date is later.~~

4 ~~[Art. 62.13. HEARING TO DETERMINE NEED FOR REGISTRATION OF~~
5 ~~A JUVENILE. (a) A person who has an adjudication of delinquent~~
6 ~~conduct that would otherwise be reportable under Article 62.01(5)~~
7 ~~does not have a reportable adjudication of delinquent conduct for~~
8 ~~purposes of this chapter if the juvenile court enters an order under~~
9 ~~this article excusing compliance by the person with the~~
10 ~~registration requirements of this chapter.~~

11 ~~[(b) During or after disposition of a case under Section~~
12 ~~54.04, Family Code, for adjudication of an offense for which~~
13 ~~registration is required under this chapter, the juvenile court on~~
14 ~~motion of the respondent shall conduct a hearing to determine~~
15 ~~whether the interests of the public require registration under this~~
16 ~~chapter. The motion may be filed and the hearing held regardless of~~
17 ~~whether the respondent is under 18 years of age.~~

18 ~~[(c) The hearing is without a jury and the burden of~~
19 ~~persuasion is on the respondent to show by a preponderance of~~
20 ~~evidence that the criteria of Subsection (c) have been met. The~~
21 ~~court at the hearing may make its determination based on:~~

- 22 ~~[(1) the receipt of exhibits,~~
23 ~~[(2) the testimony of witnesses,~~
24 ~~[(3) representations of counsel for the parties, or~~
25 ~~[(4) the contents of a social history report prepared~~
26 ~~by the juvenile probation department that may include the results~~
27 ~~of testing and examination of the respondent by a psychologist,~~

1 ~~psychiatrist, or counselor.~~

2 ~~[(d) All written matter considered by the court shall be~~
3 ~~disclosed to all parties as provided by Section 54.04(b), Family~~
4 ~~Code.~~

5 ~~[(e) The court shall enter an order excusing compliance with~~
6 ~~the registration requirements of this chapter if the court~~
7 ~~determines:~~

8 ~~[(1) that the protection of the public would not be~~
9 ~~increased by registration of the respondent under this chapter; or~~

10 ~~[(2) that any potential increase in protection of the~~
11 ~~public resulting from registration is clearly outweighed by the~~
12 ~~anticipated substantial harm to the respondent and the respondent's~~
13 ~~family that would result from registration under this chapter.~~

14 ~~[(f) The prosecuting attorney may waive the state's right to~~
15 ~~a hearing under this article and agree that registration under this~~
16 ~~chapter is not required. If the waiver is entered under a plea~~
17 ~~agreement, the court shall without a hearing enter an order~~
18 ~~excusing compliance with the registration requirements of this~~
19 ~~chapter or, under Section 54.03(j), Family Code, inform the~~
20 ~~respondent that the court believes a hearing under this article is~~
21 ~~required and give the respondent the opportunity to withdraw the~~
22 ~~respondent's plea of guilty, nolo contendere, or true or to affirm~~
23 ~~the respondent's plea and participate in the hearing. If the waiver~~
24 ~~is entered other than under a plea agreement, the court shall~~
25 ~~without a hearing enter an order excusing compliance with the~~
26 ~~registration requirements of this chapter. The waiver must state~~
27 ~~whether or not it is entered under a plea agreement. The respondent~~

1 ~~may as part of a plea agreement promise not to file a motion seeking~~
2 ~~an order excusing registration, in which case the court may not~~
3 ~~recognize the motion.~~

4 ~~[(g) Notwithstanding Section 56.01, Family Code, on entry~~
5 ~~by a juvenile court of an order under Subsection (e) excusing~~
6 ~~registration under this chapter, the prosecuting attorney may~~
7 ~~appeal that order by giving notice of appeal within the time~~
8 ~~required under Rule 26.2(b), Texas Rules of Appellate Procedure.~~
9 ~~The appeal is civil and the standard of review in the appellate~~
10 ~~court is whether the juvenile court committed procedural error or~~
11 ~~abused its discretion in excusing compliance with registration.~~
12 ~~The appeal is limited to review of the order excusing compliance~~
13 ~~with registration and may not include any other issues in the case.~~

14 ~~[(h) The respondent may under Section 56.01, Family Code,~~
15 ~~appeal the juvenile court's order requiring registration in the~~
16 ~~same manner as the appeal of any other legal issue in the case. The~~
17 ~~standard of review in the appellate court is whether the juvenile~~
18 ~~court committed procedural error or abused its discretion in not~~
19 ~~excusing compliance with registration.~~

20 ~~[(i) If the juvenile court enters an order excusing~~
21 ~~registration, the respondent may not be required to register in~~
22 ~~this or any other state for the offense for which registration was~~
23 ~~excused.~~

24 ~~[(j) After a hearing under Subsection (b) or under a plea~~
25 ~~agreement under Subsection (f), the juvenile court may enter an~~
26 ~~order deferring decision on requiring registration until the~~
27 ~~respondent has completed treatment for the respondent's sexual~~

1 ~~offense as a condition of probation or while committed to the Texas~~
2 ~~Youth Commission. The court retains discretion to require or to~~
3 ~~excuse registration at any time during the treatment or on its~~
4 ~~successful or unsuccessful completion. During the period of~~
5 ~~deferral, registration may not be required. Following successful~~
6 ~~completion of treatment, registration is excused unless a hearing~~
7 ~~under this article is held on motion of the state and the court~~
8 ~~determines the interests of the public require registration. Not~~
9 ~~later than the 10th day after the date of the respondent's~~
10 ~~successful completion of treatment, the treatment provider shall~~
11 ~~notify the juvenile court and prosecuting attorney of the~~
12 ~~completion.~~

13 ~~[(k) After a hearing under Subsection (b) or under a plea~~
14 ~~agreement under Subsection (f), the juvenile court may enter an~~
15 ~~order requiring the respondent to register as a sex offender but~~
16 ~~provide that the registration information is not public information~~
17 ~~and is restricted to use by law enforcement and criminal justice~~
18 ~~agencies and public or private institutions of higher education.~~
19 ~~Information obtained under this subsection may not be posted on the~~
20 ~~Internet or released to the public.~~

21 ~~[(l) A person who has registered as a sex offender for an~~
22 ~~adjudication of delinquent conduct, regardless of when the~~
23 ~~delinquent conduct or the adjudication for the conduct occurred,~~
24 ~~may file a motion in the adjudicating juvenile court for a hearing~~
25 ~~seeking excusal from registration as provided by Subsection (c) or~~
26 ~~seeking under Subsection (k) an order that the registration become~~
27 ~~nonpublic.~~

1 ~~[(m) The person may file a motion under Subsection (1) in~~
2 ~~the original juvenile case regardless of whether the person is at~~
3 ~~the time of filing 18 years of age or older. Notice of the motion~~
4 ~~shall be provided to the prosecuting attorney. A hearing on the~~
5 ~~motion shall be provided as in other cases under this article.~~

6 ~~[(n) Only one motion may be filed under Subsection (1) if a~~
7 ~~previous motion under this article has been filed concerning that~~
8 ~~case.~~

9 ~~[(o) To the extent feasible, the motion under Subsection (1)~~
10 ~~shall identify those public and private agencies and organizations,~~
11 ~~including public or private institutions of higher education, that~~
12 ~~possess sex offender registration information about the case.~~

13 ~~[(p) The juvenile court, after a hearing, may:~~

14 ~~[(1) deny the motion,~~

15 ~~[(2) grant the motion to excuse all registration, or~~

16 ~~[(3) grant the motion to change the registration from~~
17 ~~public to nonpublic.~~

18 ~~[(q) If the court grants the motion, the clerk of the court~~
19 ~~shall by certified mail, return receipt requested, send a copy of~~
20 ~~the order to the department, to each local law enforcement~~
21 ~~authority that the person has proved to the juvenile court has~~
22 ~~registration information about the person, and to each public or~~
23 ~~private agency or organization that the person has proved to the~~
24 ~~juvenile court has information about the person that is currently~~
25 ~~available to the public with or without payment of a fee. The clerk~~
26 ~~of the court shall by certified mail, return receipt requested,~~
27 ~~send a copy of the order to any other agency or organization~~

1 ~~designated by the person. The person shall identify the agency or~~
2 ~~organization and its address and pay a fee of \$20 to the court for~~
3 ~~each agency or organization the person designates.~~

4 ~~[(q) If the court grants the motion, a copy of the court's~~
5 ~~order shall be sent to:~~

6 ~~[(1) each public or private agency or organization~~
7 ~~that the court determines may be in possession of sex offender~~
8 ~~registration information pertaining to the person required to~~
9 ~~register under this chapter; and~~

10 ~~[(2) at the request of the person required to register~~
11 ~~under this chapter, each public or private agency or organization~~
12 ~~that at any time following the initial dissemination of the order~~
13 ~~under Subdivision (1) gains possession of sex offender registration~~
14 ~~information pertaining to that person, if the agency or~~
15 ~~organization did not otherwise receive a copy of the order under~~
16 ~~Subdivision (1).~~

17 ~~[(q-1) An order under Subsection (q) shall require the~~
18 ~~recipient to conform its records to the court's orders either by~~
19 ~~deleting the sex offender registration information or changing its~~
20 ~~status to nonpublic, as the order requires. A public or private~~
21 ~~institution of higher education may not be required to delete the~~
22 ~~sex offender registration information under this subsection.~~

23 ~~[(r) A private agency or organization that possesses sex~~
24 ~~offender registration information it obtained from a state, county,~~
25 ~~or local governmental entity is required to conform its records to~~
26 ~~the court's order on or before the 30th day after the date of its~~
27 ~~entry. Failure to comply in that period automatically bars an~~

1 ~~agency or organization, other than a public or private institution~~
2 ~~of higher education, from obtaining sex offender registration~~
3 ~~information from any state, county, or local governmental entity in~~
4 ~~this state in the future.~~

5 ~~[(s) A person required to register as a sex offender in this~~
6 ~~state because of an out-of-state adjudication of delinquent conduct~~
7 ~~may file in the juvenile court of the person's county of residence a~~
8 ~~petition under Subsection (a) for an order to excuse compliance~~
9 ~~with this chapter. If the person is already registered as a sex~~
10 ~~offender in this state because of an out-of-state adjudication of~~
11 ~~delinquent conduct, the person may file in the juvenile court of the~~
12 ~~person's county of residence a petition under Subsection (l) for an~~
13 ~~order removing the person from sex offender registries in this~~
14 ~~state. On receipt of a petition to excuse compliance or for~~
15 ~~removal, the juvenile court shall conduct a hearing and make~~
16 ~~rulings as in other cases under this article. An order entered under~~
17 ~~this subsection requiring removal of registration information~~
18 ~~applies only to registration information derived from registration~~
19 ~~in this state.]~~

20 Art. 62.251 [62.14]. REMOVING [JUVENILE] REGISTRATION
21 INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no
22 longer required to register as a sex offender under this chapter
23 ~~[for an adjudication of delinquent conduct]~~, the department shall
24 remove all information about the person from the sex offender
25 registry.

26 (b) The duty to remove information under Subsection (a)
27 arises if:

1 (1) the department has received notice from a local
2 law enforcement authority under Subsection (c) or (d) that the
3 person is no longer required to register or will no longer be
4 required to renew registration and the department verifies the
5 correctness of that information;

6 (2) the [~~juvenile~~] court having jurisdiction over
7 [~~that adjudicated~~] the case for which registration is required
8 requests removal and the department determines that the duty to
9 register has expired; or

10 (3) the person or the person's representative requests
11 removal and the department determines that the duty to register has
12 expired.

13 (c) When a person required to register under this chapter
14 [~~for an adjudication of delinquent conduct~~] appears before a local
15 law enforcement authority to renew or modify registration
16 information, the authority shall determine whether the duty to
17 register has expired. If the authority determines that the duty to
18 register has expired, the authority shall remove all information
19 about the person from the sex offender registry and notify the
20 department that the person's duty to register has expired.

21 (d) When a person required to register under this chapter
22 [~~for an adjudication of delinquent conduct~~] appears before a local
23 law enforcement authority to renew registration information, the
24 authority shall determine whether the renewal is the final annual
25 renewal of registration required by law. If the authority
26 determines that the person's duty to register will expire before
27 the next annual renewal is scheduled, the authority shall

1 automatically remove all information about the person from the sex
2 offender registry on expiration of the duty to register and notify
3 the department that the information about the person has been
4 removed from the registry.

5 (e) When the department has removed information under
6 Subsection (a), the department shall notify all local law
7 enforcement authorities that have provided registration
8 information to the department about the person of the removal. A
9 local law enforcement authority that receives notice from the
10 department under this subsection shall remove all registration
11 information about the person from its registry.

12 (f) When the department has removed information under
13 Subsection (a), the department shall notify all public and private
14 agencies or organizations to which it has provided registration
15 information about the person of the removal. On receiving notice,
16 the public or private agency or organization shall remove all
17 registration information about the person from any registry the
18 agency or organization maintains that is accessible to the public
19 with or without charge.

20 SUBCHAPTER G. EXEMPTION FROM REGISTRATION FOR

21 CERTAIN YOUNG ADULT SEX OFFENDERS

22 Art. 62.301. EXEMPTION FROM REGISTRATION FOR CERTAIN YOUNG
23 ADULT SEX OFFENDERS. (a) If eligible under Subsection (b) or (c),
24 a person required to register under this chapter may petition the
25 court having jurisdiction over the case for an order exempting the
26 person from registration under this chapter at any time after the
27 person's sentencing or after the person is placed on deferred

1 adjudication community supervision.

2 (b) A person is eligible to petition the court as described
3 by Subsection (a) if:

4 (1) the person is required to register only as a result
5 of a single reportable conviction or adjudication, other than an
6 adjudication of delinquent conduct; and

7 (2) the court has entered in the appropriate judgment
8 or has filed with the appropriate papers a statement of an
9 affirmative finding described by Article 42.017 or Section 5(g),
10 Article 42.12.

11 (c) A defendant who before September 1, 2001, is convicted
12 of or placed on deferred adjudication community supervision for an
13 offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,
14 is eligible to petition the court as described by Subsection (a).
15 The court may consider the petition only if the petition states and
16 the court finds that the defendant would have been entitled to the
17 entry of an affirmative finding under Article 42.017 or Section
18 5(g), Article 42.12, as appropriate, had the conviction or
19 placement on deferred adjudication community supervision occurred
20 after September 1, 2001.

21 (d) After a hearing on the petition described by Subsection
22 (a), the court may issue an order exempting the person from
23 registration under this chapter if it appears by a preponderance of
24 the evidence:

25 (1) as presented by a registered sex offender
26 treatment provider, that the exemption does not threaten public
27 safety; and

1 (2) that the person's conduct did not occur without the
2 consent of the victim or intended victim as described by Section
3 22.011(b), Penal Code.

4 (e) An order exempting the person from registration under
5 this chapter does not expire, but the court shall withdraw the order
6 if after the order is issued the person receives a reportable
7 conviction or adjudication under this chapter.

8 SUBCHAPTER H. EXEMPTIONS FROM REGISTRATION FOR CERTAIN JUVENILES

9 Art. 62.351. MOTION AND HEARING GENERALLY. (a) During or
10 after disposition of a case under Section 54.04, Family Code, for
11 adjudication of an offense for which registration is required under
12 this chapter, the juvenile court on motion of the respondent shall
13 conduct a hearing to determine whether the interests of the public
14 require registration under this chapter. The motion may be filed
15 and the hearing held regardless of whether the respondent is under
16 18 years of age. Notice of the motion and hearing shall be provided
17 to the prosecuting attorney.

18 (b) The hearing is without a jury and the burden of
19 persuasion is on the respondent to show by a preponderance of
20 evidence that the criteria of Article 62.352(a) have been met. The
21 court at the hearing may make its determination based on:

- 22 (1) the receipt of exhibits;
23 (2) the testimony of witnesses;
24 (3) representations of counsel for the parties; or
25 (4) the contents of a social history report prepared
26 by the juvenile probation department that may include the results
27 of testing and examination of the respondent by a psychologist,

1 psychiatrist, or counselor.

2 (c) All written matter considered by the court shall be
3 disclosed to all parties as provided by Section 54.04(b), Family
4 Code.

5 (d) If a respondent, as part of a plea agreement, promises
6 not to file a motion seeking an order exempting the respondent from
7 registration under this chapter, the court may not recognize a
8 motion filed by a respondent under this article.

9 Art. 62.352. ORDER GENERALLY. (a) The court shall enter an
10 order exempting a respondent from registration under this chapter
11 if the court determines:

12 (1) that the protection of the public would not be
13 increased by registration of the respondent under this chapter; or

14 (2) that any potential increase in protection of the
15 public resulting from registration of the respondent is clearly
16 outweighed by the anticipated substantial harm to the respondent
17 and the respondent's family that would result from registration
18 under this chapter.

19 (b) After a hearing under Article 62.351 or under a plea
20 agreement described by Article 62.355(b), the juvenile court may
21 enter an order:

22 (1) deferring decision on requiring registration
23 under this chapter until the respondent has completed treatment for
24 the respondent's sexual offense as a condition of probation or
25 while committed to the Texas Youth Commission; or

26 (2) requiring the respondent to register as a sex
27 offender but providing that the registration information is not

1 public information and is restricted to use by law enforcement and
2 criminal justice agencies, the Council on Sex Offender Treatment,
3 and public or private institutions of higher education.

4 (c) If the court enters an order described by Subsection
5 (b)(1), the court retains discretion and jurisdiction to require,
6 or exempt the respondent from, registration under this chapter at
7 any time during the treatment or on the successful or unsuccessful
8 completion of treatment, except that during the period of deferral,
9 registration may not be required. Following successful completion
10 of treatment, the respondent is exempted from registration under
11 this chapter unless a hearing under this subchapter is held on
12 motion of the state, regardless of whether the respondent is 18
13 years of age or older, and the court determines the interests of the
14 public require registration. Not later than the 10th day after the
15 date of the respondent's successful completion of treatment, the
16 treatment provider shall notify the juvenile court and prosecuting
17 attorney of the completion.

18 (d) Information that is the subject of an order described by
19 Subsection (b)(2) may not be posted on the Internet or released to
20 the public.

21 Art. 62.353. MOTION, HEARING, AND ORDER CONCERNING PERSON
22 ALREADY REGISTERED. (a) A person who has registered as a sex
23 offender for an adjudication of delinquent conduct, regardless of
24 when the delinquent conduct or the adjudication for the conduct
25 occurred, may file a motion in the adjudicating juvenile court for a
26 hearing seeking:

27 (1) exemption from registration under this chapter as

1 provided by Article 62.351; or

2 (2) an order under Article 62.352(b)(2) that the
3 registration become nonpublic.

4 (b) The person may file a motion under Subsection (a) in the
5 original juvenile case regardless of whether the person, at the
6 time of filing the motion, is 18 years of age or older. Notice of
7 the motion shall be provided to the prosecuting attorney. A hearing
8 on the motion shall be provided as in other cases under this
9 subchapter.

10 (c) Only one subsequent motion may be filed under Subsection
11 (a) if a previous motion under this article has been filed
12 concerning the case.

13 (d) To the extent feasible, the motion under Subsection (a)
14 shall identify those public and private agencies and organizations,
15 including public or private institutions of higher education, that
16 possess sex offender registration information about the case.

17 (e) The juvenile court, after a hearing, may:

18 (1) deny a motion filed under Subsection (a);

19 (2) grant a motion described by Subsection (a)(1); or

20 (3) grant a motion described by Subsection (a)(2).

21 (f) If the court grants a motion filed under Subsection (a),
22 the clerk of the court shall by certified mail, return receipt
23 requested, send a copy of the order to the department, to each local
24 law enforcement authority that the person has proved to the
25 juvenile court has registration information about the person, and
26 to each public or private agency or organization that the person has
27 proved to the juvenile court has information about the person that

1 is currently available to the public with or without payment of a
2 fee. The clerk of the court shall by certified mail, return receipt
3 requested, send a copy of the order to any other agency or
4 organization designated by the person. The person shall identify
5 the agency or organization and its address and pay a fee of \$20 to
6 the court for each agency or organization the person designates.

7 (g) In addition to disseminating the order under Subsection
8 (f), at the request of the person, the clerk of the court shall by
9 certified mail, return receipt requested, send a copy of the order
10 to each public or private agency or organization that at any time
11 following the initial dissemination of the order under Subsection
12 (f) gains possession of sex offender registration information
13 pertaining to that person, if the agency or organization did not
14 otherwise receive a copy of the order under Subsection (f).

15 (h) An order under Subsection (f) must require the recipient
16 to conform its records to the court's order either by deleting the
17 sex offender registration information or changing its status to
18 nonpublic, as applicable. A public or private institution of
19 higher education may not be required to delete the sex offender
20 registration information under this subsection.

21 (i) A private agency or organization that possesses sex
22 offender registration information the agency or organization
23 obtained from a state, county, or local governmental entity is
24 required to conform the agency's or organization's records to the
25 court's order on or before the 30th day after the date of the entry
26 of the order. Unless the agency or organization is a public or
27 private institution of higher education, failure to comply in that

1 period automatically bars the agency or organization from obtaining
2 sex offender registration information from any state, county, or
3 local governmental entity in this state in the future.

4 Art. 62.354. MOTION, HEARING, AND ORDER CONCERNING PERSON
5 REQUIRED TO REGISTER BECAUSE OF OUT-OF-STATE ADJUDICATION. (a) A
6 person required to register as a sex offender in this state because
7 of an out-of-state adjudication of delinquent conduct may file in
8 the juvenile court of the person's county of residence a petition
9 under Article 62.351 for an order exempting the person from
10 registration under this chapter.

11 (b) If the person is already registered as a sex offender in
12 this state because of an out-of-state adjudication of delinquent
13 conduct, the person may file in the juvenile court of the person's
14 county of residence a petition under Article 62.353 for an order
15 removing the person from sex offender registries in this state.

16 (c) On receipt of a petition under this article, the
17 juvenile court shall conduct a hearing and make rulings as in other
18 cases under this subchapter.

19 (d) An order entered under this article requiring removal of
20 registration information applies only to registration information
21 derived from registration in this state.

22 Art. 62.355. WAIVER OF HEARING. (a) The prosecuting
23 attorney may waive the state's right to a hearing under this
24 subchapter and agree that registration under this chapter is not
25 required. A waiver under this subsection must state whether the
26 waiver is entered under a plea agreement.

27 (b) If the waiver is entered under a plea agreement, the

1 court, without a hearing, shall:

2 (1) enter an order exempting the respondent from
3 registration under this chapter; or

4 (2) under Section 54.03(j), Family Code, inform the
5 respondent that the court believes a hearing under this article is
6 required and give the respondent the opportunity to:

7 (A) withdraw the respondent's plea of guilty,
8 nolo contendere, or true; or

9 (B) affirm the respondent's plea and participate
10 in the hearing.

11 (c) If the waiver is entered other than under a plea
12 agreement, the court, without a hearing, shall enter an order
13 exempting the respondent from registration under this chapter.

14 Art. 62.356. EFFECT OF CERTAIN ORDERS. (a) A person who
15 has an adjudication of delinquent conduct that would otherwise be
16 reportable under Article 62.001(5) does not have a reportable
17 adjudication of delinquent conduct for purposes of this chapter if
18 the juvenile court enters an order under this subchapter exempting
19 the person from the registration requirements of this chapter.

20 (b) If the juvenile court enters an order exempting a person
21 from registration under this chapter, the respondent may not be
22 required to register in this or any other state for the offense for
23 which registration was exempted.

24 Art. 62.357. APPEAL OF CERTAIN ORDERS. (a)
25 Notwithstanding Section 56.01, Family Code, on entry by a juvenile
26 court of an order under Article 62.352(a) exempting a respondent
27 from registration under this chapter, the prosecuting attorney may

1 appeal that order by giving notice of appeal within the time
2 required under Rule 26.2(b), Texas Rules of Appellate Procedure.
3 The appeal is civil and the standard of review in the appellate
4 court is whether the juvenile court committed procedural error or
5 abused its discretion in exempting the respondent from registration
6 under this chapter. The appeal is limited to review of the order
7 exempting the respondent from registration under this chapter and
8 may not include any other issues in the case.

9 (b) A respondent may under Section 56.01, Family Code,
10 appeal a juvenile court's order under Article 62.352(a) requiring
11 registration in the same manner as the appeal of any other legal
12 issue in the case. The standard of review in the appellate court is
13 whether the juvenile court committed procedural error or abused its
14 discretion in requiring registration.

15 SUBCHAPTER I. EARLY TERMINATION OF CERTAIN PERSONS'

16 OBLIGATION TO REGISTER

17 Art. 62.401. DEFINITION. In this subchapter, "council"
18 means the Council on Sex Offender Treatment.

19 Art. 62.402. DETERMINATION OF MINIMUM REQUIRED
20 REGISTRATION PERIOD. (a) The council by rule shall determine the
21 minimum required registration period under 42 U.S.C. Section 14071
22 (Jacob Wetterling Crimes Against Children and Sexually Violent
23 Offender Registration Program) for each reportable conviction or
24 adjudication under this chapter, if this state is to receive the
25 maximum amount of federal money available to a state as described by
26 that law.

27 (b) After determining the minimum required registration

1 period for each reportable conviction or adjudication under
2 Subsection (a), the council shall compile and publish a list of
3 reportable convictions or adjudications for which a person must
4 register under this chapter for a period that exceeds the minimum
5 required registration period under federal law.

6 (c) To the extent possible, the council shall periodically
7 verify with the Bureau of Justice Assistance or another appropriate
8 federal agency the accuracy of the list of reportable convictions
9 or adjudications described by Subsection (b).

10 Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council
11 by rule shall establish, develop, or adopt an individual risk
12 assessment tool or a group of individual risk assessment tools
13 that:

14 (1) evaluates the criminal history of a person
15 required to register under this chapter; and

16 (2) seeks to predict:

17 (A) the likelihood that the person will engage in
18 criminal activity that may result in the person receiving a second
19 or subsequent reportable adjudication or conviction; and

20 (B) the continuing danger, if any, that the
21 person poses to the community.

22 (b) On the written request of a person with a single
23 reportable adjudication or conviction that appears on the list
24 published under Article 62.402(b), the council shall:

25 (1) evaluate the person using the individual risk
26 assessment tool or group of individual risk assessment tools
27 established, developed, or adopted under Subsection (a); and

1 (2) provide to the person a written report detailing
2 the outcome of an evaluation conducted under Subdivision (1).

3 (c) An individual risk assessment provided to a person under
4 this subchapter is confidential and is not subject to disclosure
5 under Chapter 552, Government Code.

6 Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person
7 required to register under this chapter who has requested and
8 received an individual risk assessment under Article 62.403 may
9 file with the trial court that sentenced the person for the
10 reportable conviction or adjudication a motion for early
11 termination of the person's obligation to register under this
12 chapter.

13 (b) A motion filed under this article must be accompanied
14 by:

15 (1) a written explanation of how the reportable
16 conviction or adjudication giving rise to the movant's registration
17 under this chapter qualifies as a reportable conviction or
18 adjudication that appears on the list published under Article
19 62.402(b); and

20 (2) a certified copy of a written report detailing the
21 outcome of an individual risk assessment evaluation conducted under
22 Article 62.403(b)(1).

23 Art. 62.405. HEARING ON PETITION. (a) After reviewing a
24 motion filed with the court under Article 62.404, the court may:

25 (1) deny without a hearing the movant's request for
26 early termination; or

27 (2) hold a hearing on the motion to determine whether

1 to grant or deny the motion.

2 (b) The court may not grant a motion filed under Article
3 62.404 if:

4 (1) the motion is not accompanied by the documents
5 required under Article 62.404(b); or

6 (2) the court determines that the reportable
7 conviction or adjudication for which the movant is required to
8 register under this chapter is not a reportable conviction or
9 adjudication for which the movant is required to register for a
10 period that exceeds the minimum required registration period under
11 federal law.

12 Art. 62.406. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF
13 COURT. A person required to register under this chapter who files a
14 motion for early termination of the person's registration
15 obligation under this chapter is responsible for and shall remit to
16 the council and to the court, as applicable, all costs associated
17 with and incurred by the council in providing the individual risk
18 assessment or by the court in holding a hearing under this
19 subchapter.

20 Art. 62.407. EFFECT OF ORDER GRANTING EARLY TERMINATION.

21 (a) If, after notice to the person and to the prosecuting attorney
22 and a hearing, the court grants a motion filed under Article 62.404
23 for the early termination of a person's obligation to register
24 under this chapter, notwithstanding Article 62.101, the person's
25 obligation to register under this chapter ends on the later of:

26 (1) the date the court enters the order of early
27 termination; or

1 (2) the date the person has paid each cost described by
2 Section 62.406.

3 (b) If the court grants a motion filed under Article 62.404
4 for the early termination of a person's obligation to register
5 under this chapter, all conditions of the person's parole, release
6 to mandatory supervision, or community supervision shall be
7 modified in accordance with the court's order.

8 Art. 62.408. NONAPPLICABILITY. This subchapter does not
9 apply to a person without a reportable conviction or adjudication
10 who is required to register as a condition of parole, release to
11 mandatory supervision, or community supervision.

12 SECTION 1.02. Chapter 13, Code of Criminal Procedure, is
13 amended by adding Article 13.30 to read as follows:

14 Art. 13.30. FAILURE TO COMPLY WITH SEX OFFENDER
15 REGISTRATION STATUTE. An offense under Chapter 62 may be
16 prosecuted in:

17 (1) any county in which an element of the offense
18 occurs;

19 (2) the county in which the person subject to Chapter
20 62 last registered, verified registration, or otherwise complied
21 with a requirement of Chapter 62;

22 (3) the county in which the person required to
23 register under Chapter 62 has indicated that the person intends to
24 reside; or

25 (4) any county in which the person required to
26 register under Chapter 62 is placed under custodial arrest for an
27 offense subsequent to the person's most recent reportable

1 conviction or adjudication under Chapter 62.

2 SECTION 1.03. Article 26.13(h), Code of Criminal Procedure,
3 is amended to read as follows:

4 (h) The court must substantially comply with Subsection
5 (a)(5). The failure of the court to comply with Subsection (a)(5)
6 is not a ground for the defendant to set aside the conviction,
7 sentence, or plea. [~~Before accepting a plea of guilty or nolo~~
8 contendere from a defendant described by Subsection (a)(5), the
9 court shall ascertain whether the attorney representing the
10 defendant has advised the defendant regarding registration
11 requirements under Chapter 62.]

12 SECTION 1.04. Article 44.01, Code of Criminal Procedure, is
13 amended by adding Subsection (1) to read as follows:

14 (1) The state is entitled to appeal an order entered under:
15 (1) Subchapter G or H, Chapter 62, that exempts a
16 person from complying with the requirements of Chapter 62; and
17 (2) Subchapter I, Chapter 62, that terminates a
18 person's obligation to register under Chapter 62.

19 SECTION 1.05. Subchapter G, Chapter 411, Government Code,
20 is amended by adding Section 411.1473 to read as follows:

21 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX
22 OFFENDERS. (a) This section applies only to a person who is
23 required to register under Chapter 62, Code of Criminal Procedure.

24 (b) The department by rule shall require a law enforcement
25 agency serving as a person's primary registration authority under
26 Chapter 62, Code of Criminal Procedure, to:

27 (1) take one or more specimens from a person described

1 by Subsection (a) for the purpose of creating a DNA record; and

2 (2) preserve the specimen and maintain a record of the
3 collection of the specimen.

4 (c) A law enforcement agency taking a specimen under this
5 section may either send the specimen to the director or send to the
6 director an analysis of the specimen performed by a laboratory
7 chosen by the agency and approved by the director.

8 (d) A law enforcement agency is not required to take and a
9 person is not required to provide a specimen under this section if
10 the person is required to and has provided a specimen under this
11 chapter or other law.

12 SECTION 1.06. Section 508.186, Government Code, is amended
13 to read as follows:

14 Sec. 508.186. SEX OFFENDER REGISTRATION. [~~(a)~~] A parole
15 panel shall require as a condition of parole or mandatory
16 supervision that a releasee required to register as a sex offender
17 under Chapter 62, Code of Criminal Procedure:

18 (1) register under that chapter; and

19 (2) [~~pay to the releasee's supervising officer an~~
20 ~~amount equal to the cost, as evidenced by written receipt, incurred~~
21 ~~by the applicable local law enforcement authority for providing~~
22 ~~notice for publication to a newspaper as required by that chapter,~~
23 ~~and~~

24 [~~(3)~~] submit a blood sample or other specimen to the
25 Department of Public Safety under Subchapter G, Chapter 411, for
26 the purpose of creating a DNA record of the releasee, unless the
27 releasee has already submitted the required specimen under other

1 state law.

2 ~~[(a-1) A political subdivision served by the local law~~
3 ~~enforcement authority may bill any unpaid amount under Subsection~~
4 ~~(a)(2), identified separately, within a bill for a utility service~~
5 ~~provided by the political subdivision to the releasee and may~~
6 ~~suspend service of the utility to a releasee who is delinquent in~~
7 ~~payment of the amount until the delinquent claim is fully paid to~~
8 ~~the political subdivision. In this subsection, "utility service"~~
9 ~~means water, wastewater, sewer, gas, garbage, electricity, or~~
10 ~~drainage service.~~

11 ~~[(b) The division or political subdivision, as applicable,~~
12 ~~shall remit an amount collected under this section to the~~
13 ~~applicable local law enforcement authority.~~

14 ~~[(c) In a parole or mandatory supervision revocation~~
15 ~~hearing under Section 508.281 at which it is alleged only that the~~
16 ~~releasee failed to make a payment under this section, it is an~~
17 ~~affirmative defense to revocation that the releasee is unable to~~
18 ~~pay the amount as ordered by a parole panel. The releasee must~~
19 ~~prove the affirmative defense by a preponderance of the evidence.]~~

20 ARTICLE 2. CONFORMING AMENDMENTS

21 SECTION 2.01. Article 42.016, Code of Criminal Procedure,
22 is amended to read as follows:

23 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION
24 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted
25 of, receives a grant of deferred adjudication for, or is
26 adjudicated as having engaged in delinquent conduct based on a
27 violation of an offense for which a conviction or adjudication

1 requires registration as a sex offender under Chapter 62, [~~as added~~
2 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~
3 ~~1997,~~] the court shall:

4 (1) issue an order requiring the Texas Department of
5 Public Safety to include in any driver's license record or personal
6 identification certificate record maintained by the department for
7 the person an indication that the person is subject to the
8 registration requirements of Chapter 62 [~~, as added by Chapter 668,~~
9 ~~Acts of the 75th Legislature, Regular Session, 1997]~~;

10 (2) require the person to apply to the Texas
11 Department of Public Safety in person for an original or renewal
12 driver's license or personal identification certificate not later
13 than the 30th day after the date the person is released or the date
14 the department sends written notice to the person of the
15 requirements of Article 62.060 [~~62.065~~], as applicable, and to
16 annually renew the license or certificate;

17 (3) notify the person of the consequence of the
18 conviction or order of deferred adjudication as it relates to the
19 order issued under this article; and

20 (4) send to the Texas Department of Public Safety a
21 copy of the record of conviction, a copy of the order granting
22 deferred adjudication, or a copy of the juvenile adjudication, as
23 applicable, and a copy of the order issued under this article.

24 SECTION 2.02. Section 2(b), Article 42.22, Code of Criminal
25 Procedure, is amended to read as follows:

26 (b) The state also has a restitution lien to secure the:

27 (1) amount of fines or costs entered against a

1 defendant in the judgment in a felony criminal case;

2 (2) amount of reimbursement for costs of:

3 (A) confinement ordered under Article 42.038; or

4 (B) notice provided under Article 62.056 [~~62.03~~]
5 or 62.201 [~~62.04~~]; and

6 (3) amount of damages incurred by the state as a result
7 of the commission of an offense under Section 38.04, Penal Code, in
8 which the defendant used a motor vehicle while the defendant was in
9 flight.

10 SECTION 2.03. Article 60.051(f), Code of Criminal
11 Procedure, is amended to read as follows:

12 (f) The department shall maintain in the computerized
13 criminal history system any information the department maintains in
14 the central database under Article 62.005 [~~62.08~~].

15 SECTION 2.04. Section 12.120(a), Education Code, is amended
16 to read as follows:

17 (a) A person may not serve as a member of the governing body
18 of a charter holder, as a member of the governing body of an
19 open-enrollment charter school, or as an officer or employee of an
20 open-enrollment charter school if the person:

21 (1) has been convicted of a felony or a misdemeanor
22 involving moral turpitude;

23 (2) has been convicted of an offense listed in Section
24 37.007(a);

25 (3) has been convicted of an offense listed in Article
26 62.001(5) [~~62.01(5)~~], Code of Criminal Procedure; or

27 (4) has a substantial interest in a management

1 company.

2 SECTION 2.05. Section 45.004(c), Family Code, is amended to
3 read as follows:

4 (c) In this section, "local law enforcement authority" has
5 the meaning assigned by Article 62.001 [~~62.01~~], Code of Criminal
6 Procedure.

7 SECTION 2.06. Section 45.103(c), Family Code, is amended to
8 read as follows:

9 (c) A court may order a change of name under this subchapter
10 for a person subject to the registration requirements of Chapter
11 62, Code of Criminal Procedure, if, in addition to the requirements
12 of Subsection (a), the person provides the court with proof that the
13 person has notified the appropriate local law enforcement authority
14 of the proposed name change. In this subsection, "local law
15 enforcement authority" has the meaning assigned by Article 62.001
16 [~~62.01~~], Code of Criminal Procedure.

17 SECTION 2.07. Sections 54.051(g) and (h), Family Code, are
18 amended to read as follows:

19 (g) If the juvenile court places the child on probation for
20 an offense for which registration as a sex offender is required by
21 Chapter 62, Code of Criminal Procedure, and defers the registration
22 requirement until completion of treatment for the sex offense under
23 Subchapter H, Chapter 62 [~~Article 62.13~~], Code of Criminal
24 Procedure, the authority under that article to reexamine the need
25 for registration on completion of treatment is transferred to the
26 court to which probation is transferred.

27 (h) If the juvenile court places the child on probation for

1 an offense for which registration as a sex offender is required by
2 Chapter 62, Code of Criminal Procedure, and the child registers,
3 the authority of the court to excuse further compliance with the
4 registration requirement under Subchapter H, Chapter 62 [~~Articles~~
5 ~~62.13(1)-(r)~~], Code of Criminal Procedure, is transferred to the
6 court to which probation is transferred.

7 SECTION 2.08. Section 411.0091(b), Government Code, is
8 amended to read as follows:

9 (b) The sex offender compliance unit shall investigate and
10 arrest individuals determined to have committed a sexually violent
11 offense, as defined by Article 62.001 [~~62.01~~], Code of Criminal
12 Procedure.

13 SECTION 2.09. Section 411.088(b), Government Code, is
14 amended to read as follows:

15 (b) The department may not charge for processing an
16 electronic inquiry for information described as public information
17 under Article 62.005 [~~62.08~~], Code of Criminal Procedure, made
18 through the use of the Internet.

19 SECTION 2.10. Section 109.001(2), Occupations Code, is
20 amended to read as follows:

21 (2) "Local law enforcement authority" has the meaning
22 assigned by Article 62.001 [~~62.01~~], Code of Criminal Procedure.

23 SECTION 2.11. Section 38.111(a), Penal Code, is amended to
24 read as follows:

25 (a) A person commits an offense if the person, while
26 confined in a correctional facility after being charged with or
27 convicted of an offense listed in Article 62.001(5) [~~62.01(5)~~],

1 Code of Criminal Procedure, contacts by letter, telephone, or any
2 other means, either directly or through a third party, a victim of
3 the offense or a member of the victim's family, if:

4 (1) the victim was younger than 17 years of age at the
5 time of the commission of the offense for which the person is
6 confined; and

7 (2) the director of the correctional facility has not,
8 before the person makes contact with the victim:

9 (A) received written and dated consent to the
10 contact from:

11 (i) a parent of the victim;

12 (ii) a legal guardian of the victim;

13 (iii) the victim, if the victim is 17 years
14 of age or older at the time of giving the consent; or

15 (iv) a member of the victim's family who is
16 17 years of age or older; and

17 (B) provided the person with a copy of the
18 consent.

19 SECTION 2.12. Section 521.101(h), Transportation Code, is
20 amended to read as follows:

21 (h) The department shall automatically revoke each personal
22 identification certificate issued by the department to a person
23 who:

24 (1) is subject to the registration requirements of
25 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~
26 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

27 (2) fails to apply to the department for renewal of the

1 personal identification certificate as required by Article 62.060
2 [~~62.065~~], Code of Criminal Procedure.

3 SECTION 2.13. Section 521.103(a), Transportation Code, is
4 amended to read as follows:

5 (a) The department may issue an original or renewal personal
6 identification certificate to a person whose driver's license or
7 personal identification certificate record indicates that the
8 person is subject to the registration requirements of Chapter 62,
9 Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the~~
10 ~~75th Legislature, Regular Session, 1997,~~] only if the person:

11 (1) applies in person for the issuance of a
12 certificate under this section; and

13 (2) pays a fee of \$20.

14 SECTION 2.14. Section 521.348(a), Transportation Code, is
15 amended to read as follows:

16 (a) A driver's license is automatically revoked if the
17 holder of the license:

18 (1) is subject to the registration requirements of
19 Chapter 62, Code of Criminal Procedure[~~, as added by Chapter 668,~~
20 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

21 (2) fails to apply to the department for renewal of the
22 license as required by Article 62.060 [~~62.065~~], Code of Criminal
23 Procedure.

24 ARTICLE 3. STATE ASSISTANCE TO SEX OFFENDERS

25 SECTION 3.01. Subchapter A, Chapter 531, Government Code,
26 is amended by adding Section 531.078 to read as follows:

27 Sec. 531.078. CERTAIN MEDICATION FOR SEX OFFENDERS

1 PROHIBITED. (a) To the maximum extent allowable under federal law,
2 the commission may not provide sexual performance enhancing
3 medication under the Medicaid vendor drug program or any other
4 health and human services program to a person required to register
5 as a sex offender under Chapter 62, Code of Criminal Procedure.

6 (b) The executive commissioner of the Health and Human
7 Services Commission may adopt rules as necessary to implement this
8 section.

9 ARTICLE 4. TRANSITIONS; EFFECTIVE DATE; REPEALERS

10 SECTION 4.01. (a) Except as provided by Subsection (b) of
11 this section, the changes in law made by this Act in amending
12 Chapter 62, Code of Criminal Procedure, apply to a person subject to
13 Chapter 62, Code of Criminal Procedure, for an offense or conduct
14 committed or engaged in before, on, or after the effective date of
15 this Act.

16 (b) To the extent that the changes in law made by this Act to
17 Chapter 62, Code of Criminal Procedure, change the elements of or
18 punishment for conduct constituting a violation of Chapter 62,
19 those changes apply only to conduct engaged in on or after the
20 effective date of this Act. Conduct engaged in before the effective
21 date of this Act is governed by the law in effect at the time the
22 conduct was engaged in, and that law is continued in effect for that
23 purpose.

24 SECTION 4.02. The change in law made by this Act in adding
25 Article 13.30, Code of Criminal Procedure, applies only to an
26 offense committed on or after the effective date of this Act. For
27 purposes of this section, an offense is committed on or after the

1 effective date of this Act if any element of the offense occurs on
2 or after the effective date of this Act. An offense committed
3 before the effective date of this Act is governed by the law in
4 effect at the time the offense was committed, and that law is
5 continued in effect for that purpose.

6 SECTION 4.03. The change in law made by this Act in amending
7 Article 26.13(h), Code of Criminal Procedure, applies only to a
8 plea of guilty or a plea of nolo contendere that is entered on or
9 after the effective date of this Act. A plea of guilty or a plea of
10 nolo contendere that is entered before the effective date of this
11 Act is governed by the law in effect at the time the plea was
12 entered, and that law is continued in effect for that purpose.

13 SECTION 4.04. The change in law made by this Act in
14 repealing Subsections (g) and (h), Section 19, Article 42.12, Code
15 of Criminal Procedure, and in amending Section 508.186, Government
16 Code, applies only to a person who is placed on community
17 supervision or released on parole or mandatory supervision for an
18 offense committed on or after the effective date of this Act. A
19 person who is placed on community supervision or released on parole
20 or mandatory supervision for an offense committed before the
21 effective date of this Act is governed by the law in effect on the
22 date the offense was committed, and that law is continued in effect
23 for that purpose. For purposes of this section, an offense is
24 committed on or after the effective date of this Act if any element
25 of the offense occurs on or after the effective date of this Act.

26 SECTION 4.05. The change in law made by this Act in amending
27 Article 44.01, Code of Criminal Procedure, applies only to an

1 appeal brought by the state on or after the effective date of this
2 Act.

3 SECTION 4.06. The change in law made by this Act in adding
4 Section 411.1473, Government Code, applies only to a person who,
5 for the first time, must register as a sex offender under Chapter
6 62, Code of Criminal Procedure, on or after the effective date of
7 this Act.

8 SECTION 4.07. Subsections (g) and (h), Section 19, Article
9 42.12, Code of Criminal Procedure, are repealed.

10 SECTION 4.08. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 867 was passed by the House on May 11, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 867 on May 26, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 867 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor